S. HRG. 99-263

TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED TO THE SAGINAW CHIPPEWA TRIBE OF MICHIGAN

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

ON

S. 1106

TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA TRIBE OF MICHIGAN IN DOCKETS NUMBERED 57, 59, AND 13E OF THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F OF THE U.S. CLAIMS COURT, AND FOR OTHER PURPOSES

JULY 10, 1985

WASHINGTON, DC

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TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS AWARDED TO THE SAGINAW CHIPPEWA TRIBE OF MICHIGAN

WEDNESDAY, JULY 10, 1985

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:13 a.m., in room 485, Russell Senate Office Building, Hon. Mark Andrews (chairman of the committee) presiding.

Present: Senator Andrews.

Staff present: Peter S. Taylor, staff director; Michael Mahsetky, staff attorney; Irene Herder, staff secretary; and Max Richtman, minority staff director.

Senator ANDREWS. The hearing will come to order.

Today, the Select Committee on Indian Affairs will hear from witnesses on S. 1106, a bill that provides for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets Nos. 57, 59, and 13E of the Indian Claims Commission, and docket 13F of the U.S. Claims Court.

Although a similar bill, S. 2823, was introduced in the last Congress, that bill was never enacted into law. S. 1106 makes substantial changes over S. 2823. This morning we will hear, of course, from tribal witnesses; witnesses representing the Saginaw Descendancy Group; and administration witnesses. We look forward to hearing the views of the scheduled witnesses on this important legislation.

At this point in the hearing record I would like to have inserted the text of S. 1106, as introduced.

[The text of S. 1106 follows:]

II

99TH CONGRESS
1ST SESSION

S. 1106

To provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets numbered 57, 59, and 13E of the Indian Claims Commission and docket numbered 13F of the United States Claims Court, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8 (legislative day, APRIL 15), 1985

Mr. RIEGLE (for himself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

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A BILL

To provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets numbered 57, 59, and 13E of the Indian Claims Commission and docket numbered 13F of the United States Claims Court, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; DEFINITIONS

SECTION 1. (a) This Act may be cited as the "Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act".

(b) For purposes of this Act—

(1) The term "tribe" means the Saginaw Chippewa Indian Tribe of Michigan.

(2) The term "Tribal Council" means the Saginaw Chippewa Tribal Council.

(3) The term "Secretary" means the Secretary of the Interior.

ABROGATION OF PRIOR PLAN

SEC. 2. Notwithstanding Public Law 93–134 (25 U.S.C. 1401 et seq.) or any plan prepared or regulation promulgated by the Secretary pursuant to such law—

(1) the funds appropriated in satisfaction of judgments awarded the tribe in dockets numbered 59 and 13E of the Indian Claims Commission, and

(2) the balance of any undistributed funds appropriated in satisfaction of the judgments awarded the tribe in docket numbered 57 of the Indian Claims Commission and docket numbered 13F of the United States Claims Court,

and any interest or investment income accrued on the amount of such funds on or before the date of any transfer made pursuant to section 5 or 8 (less any attorneys' fees and court costs), shall be distributed and used in accordance with the provisions of this Act.

INVESTMENT FUND

SEC. 3. (a)(1) The tribe, through the Tribal Council, is hereby authorized to establish a trust fund for the benefit of

the tribe which shall be known as the "Investment Fund". The principal of the Investment Fund shall consist of—

(A) the funds transferred by the Secretary to the Tribal Council pursuant to section 5(a),

(B) the amounts required to be included in principal under subsection (c) or section 8(c),

(C) such portion of the funds paid to the Tribal Council under section 8(a) as the Tribal Council may elect to add to the principal, and

(D) such other amounts of the income of the Investment Fund which the Tribal Council may elect to retain and add to the principal.

(2) The Tribal Council shall be the trustee of the Investment Fund and shall administer the Investment Fund in accordance with the provisions of this Act.

(b)(1) The principal of the Investment Fund shall be used exclusively for—

(A) investments (including loans to enrolled members of the tribe), or

(B) expenditures which the Tribal Council determines are reasonably related to—

(i) economic development beneficial to the tribe or enrolled members of the tribe, or

(ii) the development of tribal resources.

(2) Under no circumstances shall any part of the principal of the Investment Fund be distributed in the form of per capita payments to the members of the tribe or used or expended for purposes other than investment or economic development projects and programs.

(c) At least 10 percent of the income earned on the Investment Fund during each of the first ten fiscal years of the Investment Fund beginning after such Investment Fund is established shall be retained in the Investment Fund and become part of the principal of the Investment Fund.

(d)(1) The Investment Fund shall be maintained as a separate book account.

(2) The books and records of the Investment Fund shall be audited at least once during each fiscal year of the Investment Fund (or before the end of the 3-month period beginning on the last day of such fiscal year) by an independent certified public accounting firm which shall prepare a report on the results of such audit. Such report shall be treated as a public document of the tribe and a copy of the report shall be available for inspection by any enrolled member of the tribe.

TRIBAL CONSTITUTION

SEC. 4. (a) Notwithstanding any other provision of law, the tribe may, without the approval of the Secretary, adopt any amendments to the constitution of the tribe which were approved by the Tribal Council on April 15, 1985, in resolution L and O-03-85.

(b) Any amendments to the constitution of the tribe other than the amendments referred to in subsection (a) may only be adopted in accordance with the provisions of such constitution and applicable Federal law.

(c) The adoption of any amendment referred to in subsection (a) to the constitution of the tribe shall take effect when such amendment is ratified by the qualified voting members of the tribe (within the meaning of such constitution).

(d) The tribe shall submit to the Secretary a copy of any amendment to the constitution of the tribe referred to in subsection (a) within 10 days after the date on which such amendment is ratified by the qualified voting members of the tribe (within the meaning of such constitution).

TRANSFER OF FUNDS BY THE SECRETARY

SEC. 5. (a) The Secretary shall transfer the funds described in section 2 (which have not previously been transferred to the Tribal Council under section 8(a)) to the Tribal Council by no later than the date that is 60 days after the date on which the Secretary receives written notice of the adoption by the Tribal Council (in accordance with the constitution and bylaws of the tribe) of a resolution requesting the Secretary to make the transfer under this subsection if the amendments to the constitution of the tribe referred to in section 4(a) are adopted and ratified by the qualified voting

members of the tribe (within the meaning of such constitution).

(b)(1) Notwithstanding any other provision of law, the approval of the Secretary for any payment or distribution from the principal or income of the Investment Fund, after the transfer of funds pursuant to subsection (a), shall not be required and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the principal or income of the Investment Fund.

(2) The Secretary may take such action as the Secretary may determine to be necessary and appropriate to enforce the requirements of this Act.

TREATMENT OF AMOUNTS PAID OR DISTRIBUTED FROM THE INVESTMENT FUND

SEC. 6. (a) No amount of any payment or distribution—

(1) from the principal or income of the Investment Fund, or

(2) of any funds transferred to the Tribal Council under section 8(a),

to any payee or distributee who is an enrolled member of the tribe shall be included in the gross income of the payee or distributee for purposes of any Federal, State, or local income tax.

(b) Any payments or distributions described in subsection (a), and the availability of any amount for such payments or distributions, shall not be considered as income or

resources or otherwise used as the basis for denying or reducing—

(1) any financial assistance or other benefit under the Social Security Act—

(A) to which any enrolled member of the tribe, or the household of any such member, is otherwise entitled, or

(B) for which such member or household is otherwise eligible, or

(2) any other—

(A) Federal financial assistance,

(B) Federal benefit, or

(C) benefit under any program funded in whole or in part by the Federal Government,

to which such member or household is otherwise entitled or for which such member or household is otherwise eligible.

WAIVERS OF SOVEREIGN IMMUNITY

SEC. 7. Notwithstanding any other provision of law, the tribe may execute limited waivers of the sovereign immunity of the tribe and consent to the civil jurisdiction of the courts of the State of Michigan with regard to the use as security for indebtedness of—

(1) any amount of income of the Investment Fund which is not retained and added to the principal of the

Investment Fund pursuant to subsection (a)(1)(D) or (c) of section 3,

(2) a portion of the principal of the Investment Fund equal to the total amount, if any, of the funds transferred to the Tribal Council under section 8(a) that are added to the principal of the Investment Fund,

(3) any funds transferred to the Tribal Council under section 8(a) that are not added to the principal of the Investment Fund and any interest or investment income accrued on such funds, or

(4) any asset acquired by the use of the income described in paragraph (1), or of the funds described in paragraph (3), which is not held in trust by the Secretary for the benefit of the tribe,

if such waivers of sovereign immunity do not exceed individually or collectively the total amount or value of such security and such waivers specifically identify and limit the parties who have been granted the authority to bring an action against the tribe pursuant to such waiver.

OPTIONAL USE OF DOCKET 57 FUNDS

SEC. 8. (a) The Secretary shall transfer to the Tribal Council all or any portion of the undistributed funds appropriated in satisfaction of the judgment awarded the tribe in docket 57 of the Indian Claims Commission (including all interest and investment income accrued on such funds) which the tribe requests the Secretary to transfer under this subsec-

tion. Such transfer shall be made by no later than the date that is 60 days after the date on which the Secretary receives written notice of the adoption of a resolution by the Tribal Council (in accordance with the Constitution and bylaws of the tribe) requesting a transfer of funds under this subsection.

(b) Any funds transferred to the Tribal Council under subsection (a) shall be subject to the same accounting and auditing requirements applicable to the Investment Fund under section 3(d).

(c) At least 10 percent of the interest or investment income, if any, that accrues during each year of the 10-year period beginning on the date any transfer is made under subsection (a) on any funds held by, or on behalf of, the tribe which were transfered to the Tribal Council under subsection (a) shall be transferred to the Investment Fund and became part of the principal of the Investment Fund.

○

Senator ANDREWS. Let me point out—I want to apologize for being late. Both Senator Melcher, the ranking Democrat on this committee, and myself were involved in a farm bill markup. That is one flight down, and we are getting into the commodity prices of wheat and feed grains, and we didn't think it was going to be scheduled today, and the question we had was that we either conduct these hearings in conflict with our other committee, or we tell you we will reschedule them. Well, everybody had made their travel plans, so we didn't want to reschedule them for your benefit, so we will start the hearings. If I have to duck out from time to time and if Senator Melcher only is able to show up from time to time, it is not because we don't have the greatest awareness of this, but we want to make a committee record and we would rather have you do it on schedule. So we may have to have the clerks take over for a time while you make that record, and we will have the opportunity to study it later on.

Our first witness, panel 1, is Hazel Elbert, who is the Acting Director of Indian Services of the Bureau of Indian Affairs, Department of the Interior. Madam Director, it is good to have you here.

Let me tell you that we have a copy of your testimony, and we can assure you that it will be in its entirety in the record as though read, every word. You can summarize it, if you wish, in any way you may choose.

STATEMENT OF HAZEL E. ELBERT, ACTING DIRECTOR OF INDIAN SERVICES, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY GEORGE ROTH, ACKNOWLEDGEMENT AND RESEARCH STAFF; AND LYNN FORCIA, ACKNOWLEDGEMENT AND RESEARCH STAFF

Ms. ELBERT. Thank you, Mr. Chairman. I have with me here this morning Lynn Forcia, who is with our acknowledgement and research staff, and George Roth, who is also with that same staff, and both of them have done some work on this particular piece of legislation.

I will be pleased to highlight our comments.

We are pleased to be here today to present the views of the Department of the Interior on S. 1106, to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in dockets Nos. 57, 59, and 13E of the Indian Claims Commission, and docket No. 13F of the U.S. Claims Court.

Mr. Chairman, we oppose the bill as drafted and are offering a substitute bill for your consideration.

S. 1106 provides for the distribution of funds appropriated to pay judgments awarded to the Saginaw, Swan Creek, and Black River Chippewas in these various dockets, and the balance of undistributed funds from docket No. 57. The bill authorizes the Secretary of the Interior to transfer these funds to the Saginaw Chippewa Tribe of Michigan. The tribe would establish a fund known as the principal investment fund and tribal programs would be administered from this fund. Upon the transfer of the funds to the tribe, the Secretary would have no further trust responsibility for the investment, supervision, administration, or expenditure of the funds.

None of the funds could be used for per capita payments to the tribe. The bill also provides for the adoption of constitutional amendments regarding tribal membership without the approval of the Secretary.

The 1977 secretarial distribution plan for funds in docket No. 57 distributed the funds among all descendants; 20 percent of those funds apportioned to those descendants who were members of the tribe were reserved for tribal program purposes, and the distribution plan authorizes the Secretary to approve a plan for the expenditure of these funds. S. 1106 would provide that these funds be included in the proposed principal investment fund.

Mr. Chairman, a historical analysis of these three groups is found in a "Results of Research Report" that we submitted to the committee in connection with the hearings on S. 2823 in the 98th Congress. I don't think I will go over the history since it can be found in that legislation.

In line with our research report, we recommended that the funds be distributed between the Saginaw Chippewa Tribe of Michigan and the Saginaw Chippewa descendants who are not members of that tribe, on the basis of the numbers in each group as designated on the payment roll, approved January 28, 1983, for the distribution of the Saginaw Chippewa Indians' judgment funds in Indian Claims Commission docket No. 57. On that basis, we proposed that approximately 21.5 percent of the funds be apportioned to the Saginaw Chippewa Tribe. The descendant group would receive the balance through per capita distribution. The tribe would be required to develop a proposal for the use of its apportioned share.

As the committee knows, the Saginaw Chippewa Tribe of Michigan has objected strongly to sharing these awards with the descendancy group. While we commend the tribe on its willingness to program a large percentage of these funds, we oppose S. 1106 because it excludes a substantial group of those who should be beneficiaries, even if the tribe adopts any of the amendments authorized under section 4 of the bill. We also oppose it because the funds, including the remaining docket No. 57 funds, would be taken out of trust without adequate justification or protection.

We opposed a bill similar to S. 1106 during the 98th Congress because we felt it was unfair to exclude this substantial number of descendants from the award and to allow a tribal entity, which represents only a portion of the eligible recipients, to determine the use of the money. In general, we support the concept of judgment funds being used for tribal programs; however, in this instance we feel that the approach is not fair. We are aware that this committee took a different position during the 98th Congress. Senate Report No. 98-608 on S. 2823 stated: " * * * it is the intent of the committee to limit the use of these funds to the Saginaw Chippewa Indian Tribe to the exclusion of the unorganized descendancy group." We regret we cannot agree with that position.

Mr. Chairman, we have attached a copy of our substitute bill, which we think addresses our concerns with S. 1106. We would be pleased to answer questions.

Senator ANDREWS. Thank you very much, and it will be made a part of the record.

[Ms. Elbert's prepared statement, on behalf of the Department of the Interior and an attached substitute bill for S. 1106 follow:]

STATEMENT OF HAZEL E. ELBERT, ACTING DEPUTY ASSISTANT SECRETARY - INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR, BEFORE THE HEARING OF THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, ON S. 1106, "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA TRIBE OF MICHIGAN IN DOCKETS NUMBERED 57, 59 AND 13-E OF THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13-F OF THE UNITED STATES CLAIMS COURT, AND FOR OTHER PURPOSES."

JULY 10, 1985

Mr. Chairman and Members of the Committee, I am pleased to be here today to present the views of the Department of the Interior on S. 1106, "To provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Saginaw Chippewa Tribe of Michigan in Dockets Numbered 57, 59, and 13-E of the Indian Claims Commission and Docket Numbered 13-F of the United States Claims Court, and for other purposes."

We oppose the bill as drafted and are offering a substitute for your consideration.

S 1106 provides for the distribution of funds appropriated to pay judgments awarded to the Saginaw, Swan Creek and Black River Chippewas in Dockets 59, 13-F, and 13-E and the balance of undistributed funds from Docket 57. The bill authorizes the Secretary of the Interior to transfer these funds to the Saginaw Chippewa Tribe of Michigan. The Saginaw Tribal Council would establish a fund known as the "Principal Investment Fund" and tribal programs would be administered from this fund. Upon the transfer of the funds the Secretary would have no further trust responsibility for the investment, supervision, administration, or expenditure of the funds. None of the funds could be used for per capita payments by the tribe. The bill also provides for the adoption of constitutional amendments regarding tribal membership without the approval of the Secretary.

On June 22, 1978, the Indian Claims Commission awarded $3,479,308.00 in Docket 59 to the Saginaw, Swan Creek and Black River Chippewas as compensation for land in Michigan and Ohio ceded under the treaty of November 17, 1807 (7 Stat. 105). The funds were appropriated on September 15, 1978.

On August 17, 1978, the Indian Claims Commission awarded $563,624.21 in Docket 13-E to the Saginaw, Swan Creek, and Black River Chippewas as compensation for land in Ohio ceded under the Treaty of July 4, 1805 (7 Stat. 87). The funds were appropriated on January 19, 1979.

On January 19, 1979, the U. S. Court of Claims awarded $258,820.80 in Docket 13-F to the Saginaw, Swan Creek and Black River Chippewas as compensation for land in Ohio and Michigan ceded under the Treaty of September 29, 1817 (7 Stat. 178). The funds were appropriated on March 2, 1979.

The 1977 Secretarial distribution plan distributed the funds from Docket No. 57 among all descendants. Twenty percent of the funds apportioned to those descendants who were members of the tribe were reserved for tribal program purposes. This amount was approximately $724,000. The distribution plan authorizes the Secretary to approve a plan for expenditure of these funds. S. 1106 provides that these funds be included in the proposed principal investment fund.

The Saginaw, Swan Creek, and Black River Bands of Chippewa Indians were Michigan Chippewas. An historic analysis of the three groups is found in the Results of Research Report, signed October 3, 1983, which was provided to the Committee in connection with the hearings on S. 2823 in the 98th Congress. Briefly, by the Treaty of May 9, 1836 (7 Stat. 503) the United States treated separately with the Swan Creek and Black River Chippewa Bands. Under this treaty, the two Bands were to move west of the Mississippi River, but only a

portion actually moved. The following year, by the treaty of January 14, 1837 (7 Stat. 528) the Saginaw Band agreed to relinquish land in Michigan to the United States in exchange for land outside of Michigan. Later, the Band members declined to leave the State and entered into other treaties involving Michigan lands.

An 1855 treaty provided for the dissolution of the Saginaw Chippewa tribal organization. The group reorganized under the Indian Reorganizaion Act of 1934 (IRA) as the "Saginaw Chippewa Indian Tribe of Michigan" with a constitution and bylaws approved May 6, 1937. A revised membership roll containing 388 names was approved by the Assistant Secretary on December 30, 1938.

The October 3, 1983, Results of Research Report identified the Saginaw Chippewa Indian Tribe of Michigan as a partial representative of the "Chippewa Nation" of the treaties of 1805, 1807, and 1817. There are a substantial number of descendants of the treaty group who should be entitled to participate in these awards but who do not qualify for membership in the IRA tribe.

In line with our Research Report we recommend that the funds be divided between-

(1) the Saginaw Chippewa Tribe of Michigan, and

(2) the Saginaw Chippewa descendants who are not members of that Tribe, on the basis of the numbers in each group as designated on the payment roll, approved January 28, 1977, for the distribution of the Saginaw Chippewa Indians' judgment funds in Indian Claims Commission Docket 57. On that basis, we propose that 891/4134 (or 21.5530%) of the funds be apportioned to the Saginaw Chippewa Tribe. The descendant group would receive the balance through per capita distribution. The Tribe would be required to develop a proposal for the use of its apportioned share.

As the Committee knows, the Saginaw Chippewa Tribe of Michigan has objected strongly to sharing these awards with the descendancy group. While we commend the Tribe on its willingness to program a large percentage of these funds, we oppose S. 1106 because-

(1) it excludes a substantial group of those who should be beneficiaries even if the Tribe adopts any of the amendments authorized under section 4 of the bill; and

(2) the funds (including the remaining Docket 57 funds for which the 1977 Secretarial Plan authorized tribal use) would be taken out of trust without adequate justification or protection.

We opposed a bill (S. 2823) similar to S. 1106 during the 98th Congress because it was unfair to exclude a substantial number of descendants from this award and to allow a tribal entity which represents only a portion of the eligible recipients to determine the use of the money. In general, we support the concept of judgment funds being used for tribal programs. However, in this instance that approach is not fair. We are aware, however, that this Committee took a different position during the 98th Congress. Senate Report No. 98-608 on S. 2823 stated ". . . it is the intent of the Committee to limit the use of these funds to the Saginaw Chippewa Indian Tribe to the exclusion of the unorganized descendancy group." We regret that we can not agree with that position.

We recommend to the Committee the attached substitute bill which addresses our concerns.

This concludes my prepared statement. I would be happy to answer any questions the Committee may have.

ATTACHMENT

PROPOSED DEPARTMENTAL AMENDMENT IN THE FORM OF A SUBSTITUTE

Strike all after the enacting clause and insert in lieu thereof:

That, notwithstanding another law, the funds appropriated in Dockets 59 and 13-E before the Indian Claims Commission, and in Docket 13-F before the United States Court of Claims, to satisfy awards made to the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be divided, used and distributed as herein provided.

Sec. 2. The Secretary of the Interior shall divide the funds with 891/4134ths (or 21.5530 percent) to the Saginaw Chippewa Tribe of Michigan and 3243/4134tns (or 78.4470 percent) to the Saginaw Chippewa descendant group.

Sec. 3. (a) The share of the Saginaw Chippewa descendants group shall be distributed per capita by the Secretary, in amounts as equal as possible, to each person listed on a descendants payment roll which shall be prepared by the Secretary under this section. Any amount remaining after distribution shall be added to the share of the Saginaw Chippewa Indian Tribe of Michigan.

(b) Within 90 days of enactment of this Act, the Secretary shall publish notice of the descendants payment roll preparation and the deadline for filing applications in the Federal Register and in appropriate local media. Applications for enrollment must be filed with the Secretary within 90 days of publication of the notice in the Federal Register. The Secretary's initial decision on an enrollment applicantion may be appealed under procedures prescribed by the Secretary.

(c) In preparing the descendants payment roll under this section, the Secretary shall update the descendants payment roll which was approved January 28, 1983 for use under the Secretarial Plan of November 12, 1977 for the funds in Indian Claims Commission Docket 57 as follows:

(1) by adding the names of persons living on the date of enactment of this Act who were eligible for enrollment under the 1977 Plan, but were not enrolled;

(2) by adding the names of persons living on the date of enactment of this Act who are the children of a person who was either enrolled under the 1977 Plan, or eligible to be so enrolled; and

(3) by deleting the names of persons enrolled on the 1983 roll who are not living on the date of enactment of this Act and the names of those persons who are enrolled as members of the Saginaw Chippewa Tribe of Michigan.

(d) The per capita shares of living, competent adults shall be paid directly to them. The per capita shares of deceased individual beneficiaries shall be determined and distributed under regulations prescribed by the Secretary. The per capita shares of legal incompetents and minors shall be subject to section 3(b)(3) of the Act of October 19, 1983 (87 Stat. 466), as amended (96 Stat. 3512) (25 U.S.C. 1403 (b)(3)).

Sec. 4. The share of the Saginaw Chippewa Indian Tribe of Michigan shall be invested by the Secretary under existing law and may be used by the tribal

governing body, on an annual budgetary basis and subject to the approval of the Secretary, for tribal programs as set out in a plan approved by the tribe on February 7, 1983, and by reslution JA-01-84 of the tribal governing body. The tribal governing body may designate part of the funds to be invested by the Secretary to yield periodic dividend payments.

Sec. 5. Amounts distributed per capita or held in trust under this Act are subject to sections 7 and 8 of the Act of October 19, 1973 (87 Stat. 468), as amended (96 Stat. 2513) (25 U.S.C. 1407 and 1408).

Senator ANDREWS. In reviewing judgment distribution plans and judgment distribution legislation presented to the Congress by the Interior Department in past years, it appears that the plans or bills sometimes exclude descendancy groups and limit distribution to a tribe or its members. And other times, the descendancy groups are included on an equal basis.

Does the Department have any written criteria or policy guidelines it follows in determining whether to include a descendancy group? And if not, how do you make this determination?

Ms. ELBERT. We don't have any written policy or guidelines. The way the funds are distributed in the judgment awards is based on our results of research, the historical research that we do, that determines more or less who was wronged in the taking of the land or whatever the judgment is proposed to satisfy.

There are some value judgments in our research, but the way the funds are distributed is usually dependent on the research that is conducted.

Senator ANDREWS. Well, isn't it always the tribal entity that's injured, usually?

Ms. ELBERT. There is usually a successor group—not in all cases. If our research indicates that there is a successor group and there are no descendants remaining out there, well, then, of course, we try to make the judgment to the successor entity group. But in this case, there are a large number of descendants that are remaining that we feel were a part of this group when the land was taken.

Senator ANDREWS. There was a prior distribution of funds from an award by the Indian Claims Commission on docket No. 57. How much money was involved in that distribution, and what was the per capita amount of this grant, and when were these funds distributed?

Ms. ELBERT. In docket No. 57, it was $16 million, and I believe it was distributed in 1983. The plan was approved in 1977.

Senator ANDREWS. The payment roll was approved in 1977 and it was distributed in 1983?

Ms. ELBERT. The plan was approved in 1977; the payment was made—the roll was approved in 1983. I don't know the exact date that the payment was made.

Senator ANDREWS. But the payment was made in 1983, as well as the roll being approved in 1983?

Ms. ELBERT. I would imagine so. Usually, when we approve a roll, the payment is made shortly after the roll is approved.

Senator ANDREWS. Now, how much payment was that per capita?

Ms. ELBERT. Approximately $4,000 per capita.

Senator ANDREWS. Now, as we understand it, this 1977 payment roll for docket No. 57 included 4,134 persons, of which 891 were listed as members of the Saginaw Chippewa Tribe. And the tribe is proposing to amend their constitution to include persons that are one-quarter blood Chippewa descendants, living off the reservation. They estimate that this would expand their membership by about 900 persons. Do you agree with this estimate?

Ms. ELBERT. I believe we do agree with this; it may be a little bit more than that, but we are not sure how many of those would apply for membership in the tribe.

Senator ANDREWS. Well, that is true, but essentially their figures are correct?

Ms. ELBERT. Essentially, their figures are correct.

Senator ANDREWS. Now, the tribe has presented the Department its proposed amendments to their constitution. When do you expect to complete your review of these amendments?

Ms. ELBERT. Well, our procedure for reviewing constitutions is on a first-come, first-served basis, and there are three constitutions that are before the Saginaw Chippewa Tribe's constitution. So I would imagine that we are about 6 months away from completing the review if we place no priority on it.

Senator ANDREWS. Well, does it take 2 months to review each constitution? We just had a constitution change in North Dakota, and it certainly didn't take that long.

Ms. ELBERT. Sometimes it takes longer than that. We are talking about a complete revision of the—well, extensive revision of the constitution, not just amendments.

Senator ANDREWS. Well, in light of this pending legislation, wouldn't it make good sense to get in gear, as they say?

Ms. ELBERT. It is possible that we can move it up, out of the priority system, and give it top priority.

Senator ANDREWS. Now, do you have a y reason to think you won't approve the proposed amendments?

Ms. ELBERT. We have not reviewed the constitution thoroughly. There are certain things we have to make certain of in our review of constitutions, and that is that it does not violate any Federal laws. One thing that we are very mindful of is that it does not violate the Civil Rights Act. I am not sure what is in the constitution because staff has not given it a thorough review, so I really can't say at this point whether it is a complicated review, or whether we've had good work done at the area and it would be a fairly fast process.

There were a number of things that the area did object to.

Senator ANDREWS. Are there tribal constitutions that provide for weighted voting rights in favor of reservation residents, or limit the holding of tribal offices to persons who reside on the reservation?

Ms. ELBERT. I would like for Dr. Roth to answer that.

Senator ANDREWS. Well, you know, are there at this time tribal constitutions that provide for weighted voting rights?

Dr. ROTH. There are some which exclude off-reservation voters entirely. I'm not sure if there are any that provide a nonproportional representation, as this proposed constitution appears to be.

Senator ANDREWS. If so, can you provide the committee with a copy of those constitutions that provide weighted voting rights?

Dr. ROTH. We will attempt to locate those for you, yes.

Senator ANDREWS. What do you mean, attempt? Don't you have them?

Ms. ELBERT. We will provide the information to you.

Senator ANDREWS. OK.

[At the request of Senator Andrews, the following additional information was submitted for inclusion in the record by Ms. Elbert:]

Working with the Committee's staff, we reviewed a random selection of tribal constitutions in order to ascertain whether non-proportional representation is a

common characteristic of tribal constitutions. In addition, we investigated whether such constitutions generally contain provisions allowing non-reservation members to vote in tribal elections. The results are as follows:

TRIBE AND REPRESENTATION

Red Lake Band of Chippewa Indians (Minnesota): Elected by districts; tribal council has power to apportion districts subject to ratification by popular vote; nonreservation members may vote by absentee ballots in the district where they or their parent(s) last resided.

Sac and Fox Tribe of the Mississippi in Iowa: Elected at large; nonreservation members may vote provided that they have not been away from the reservation for a period in excess of six (6) months.

Sault Ste. Marie Tribe of Chippewa Indians (Minnesota): Elected by districts; district boundaries are "located with due regard to the historical location of each of the historical bands of the Sault Ste. Marie Chippewa Indians"; nonreservation members may vote in district of their choice.

Wisconsin Winnebago Tribe: Elected by districts; tribal council redistricts every three years according to population distributions; nonreservation members may vote for three (3) at-large representatives to the business committee.

Chippewa-Cree Indians of the Rocky Boy's Reservation (Montana): Elected at large (prior to 1972, were elected by district); all voters must register prior to voting in tribal elections.

Confederated Tribes of the Umatilla Reservation (Oregon): Elected at large; no specific provision governing voting by nonreservation members.

Confederated Tribes of the Warm Springs Reservation (Oregon): Elected by districts; districts apportioned in constitution, no provision given for subsequent reapportionment based on population redistribution; nonreservation members who do not reside within one of the constitutionally enumerated districts may not vote in tribal elections.

Nez Perce Tribe of Idaho: Elected at large by general council; non-reservation members may vote in tribal elections provided they have not been away from the reservation in excess of six (6) months immediately preceding a meeting of the general council.

In summary, non-proportional representation is a common characteristic of tribal constitutions according to our random survey. Half the constitutions in our survey (Sac and Fox of Iowa; Rocky Boy's; Umatilla; Nez Perce) elect tribal officers on an at-large basis thus avoiding any question of favoritism by area of residence on the reservation, but giving off-reservation members scant representation since most tribal constitutions mandate that tribal officers and council members must be residents of the reservation.

Those tribes which elect government representatives by district (Red Lake; Sault Ste. Marie; Wisconsin Winnebago; Warm Springs) make no provision for regular reapportionment to ensure conformity to the one-man, one-vote principle with the exception of Wisconsin Winnebago which redistricts every 3 years according to population distribution. Two of the four constitutions in this group make no clear indication of why the voting districts were drawn in the manner in which they appear in the constitutions, but the third constitution, Sault Ste. Marie, expresses a preference for districts which correspond to the historic location of constituent bands of the tribe.

Senator ANDREWS. Now, the President's Indian Policy Statement and the Presidential Commission on Reservation Economics both advocate Indian self-determination and the need for tribes to develop economic infrastructure. This is a key part, as this committee understands it, of the administration position.

Now, this bill, as introduced in the Senate, seems to have achieved these objectives of the administration, and a flat per capita distribution would appear to defeat these objectives. Did you consider the President's policy positions when you developed your legislative proposals?

Ms. ELBERT. Yes, we did.

Senator ANDREWS. And you decided to go against them?

Ms. ELBERT. Well, as I said, our research indicated that there was a large number of descendants out there that were a part of that reservation when it was taken. And based on our research, we made our determination as to who the beneficiaries of the award would be for that portion of the award that will go to the tribe. Of course, we are always interested in making sure that the tribe uses the money in a way that will give them economic benefit in the long term.

Senator ANDREWS. I know, but again, you decided on the basis of the fact that there are a number of former tribal members of less than one-quarter blood living away from the reservation in other societies? Yet, that flies in the face, making the determination that way, of the administration goals. If you can provide any additional information on that, and why you picked that way in the face of the economic need for employment on the reservation for people who have stayed with the tribe, we'd appreciate those additional inputs, if you would.

Ms. ELBERT. We will do that, sir.

[At the request of Senator Andrews, the following additional information was submitted for inclusion in the record by Ms. Elbert:]

RECOMMENDATION TO INCLUDE DESCENDANTS IN AWARD DISTRIBUTION

The following information provides further justification for our recommendation that part of the award be paid to the descendants in light of the policy of the President's Commission on Reservation Economy that economic development of reservations be encouraged to the maximum degree. We strongly support this policy and have approved many judgment plans which provide for the use of judgment funds for economic development. In the case of the Saginaw award, our position reflects the determination that the reservation population represents only a portion of the descendants of the bands which were wronged and for which these awards represent compensation, and thus that it is unfair to pay all of the funds to the recognized Saginaw Tribe. We support the Saginaw Tribe's desire to program all of their proportional share of the award for economic and social development.

Our results of research report of October 3, 1983, identifies the beneficiaries of the award, and a major portion of the historic Saginaw Chippewa are not represented in the current Saginaw Chippewa Tribe of the Isabella Reservation. The Saginaw Tribe that was reorganized in 1937 under the Indian Reorganization Act represented the organization only of the Indians residing on the Isabella Reservation at the time of the passage of the Indian Reorganization Act or in 1937, at the time of the adoption of the constitution. Future members were limited to children of one-fourth degree Indian blood born to a resident of the reservation. As a consequence of these restrictive requirements and the temporary or permanent residence of members elsewhere, often for purposes of seeking work, almost 700 of the 3200 descendants paid in 1983 under the award in Docket 57 were children, grandchildren or great-grandchildren of enrolled members of the tribe who were ineligible for enrollment themselves.

Historically, only about half of the Saginaw Chippewa resided on the reservation established in Isabella County, although many more received allotments there. In 1876 it was reported that one-half of the tribe resided on the reservation. Many of the others had remained "in the vicinity of the homes and graves of their fathers, for which they seem to have an abiding attachment" (i.e., in the Saginaw Bay area, east of the new reservation.) In 1879, it was reported that only 1,000 of a total 2,500 were living on the reservation, the rest remaining in their original home areas near Saginaw Bay, for economic and other reasons. A Bureau survey in 1939 identified large numbers of Saginaw Chippewas still residing in these areas.

For these reasons, we recommended that the descendants were entitled to share in these awards. It is not unique for a descendant group to have shared in a recent award, where the award is for a prereservation taking of land and the descendants represent a large proportion of the tribe as it existed at the time the land was taken, have maintained their tribal identity, are identified by others as Indian and are organized. As recently as December of 1982, the Congress enacted legislation for

the Pembina Chippewa award providing for a descendency distribution for similar reasons.

Senator ANDREWS. Thank you very much for your testimony today.

Our next panel is made up of Arnold Sowmick, Sr., the chairman of the Saginaw Chippewa Indian Tribe from Mount Pleasant, MI. He is accompanied by Ruth Moses, Alvin Chamberlain, Nicki Perez, Thomas Wilson, and Karl Funke. If that panel could come forward, and I am going to have to ask the chief clerk to conduct the questioning of this panel while I disappear temporarily and visit with Senator Melcher and see what is happening downstairs.

Mr. TAYLOR [presiding]. Mr. Sowmick and the other witnesses that are going to testify, I would like to assure you that your written statements will be made a part of the record just as if they had been read in full, and I would urge that you summarize it, if you would.

STATEMENT OF ARNOLD J. SOWMICK, SR., CHAIRMAN, SAGINAW CHIPPEWA INDIAN TRIBE, MOUNT PLEASANT, MI

Mr. SOWMICK. Mr. Chairman and distinguished members of the committee, I am pleased to present our views concerning the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act.

On May 6, 1937, the constitution and by-laws of the Saginaw Chippewa Indian Tribe were approved under the Indian Reorganization Act of 1934. Our tribe is located on two reservations in the Lower Peninsula of Michigan, with the largest reservation being located in Isabella County, containing approximately 450 acres of tribal trust lands and 21 allotments of around 800 acres. Our jurisdiction extends to six townships in Isabella County based on the treaty of October 18, 1864. The other reservation is known as the Saganing Reservation, which contains 70 acres of tribal trust land located in Arenac County, MI.

Our tribe traces its origins to the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians who inhabited the northeast portion of Michigan during the 18th century. As the United States slowly began to take over the Michigan territory, the Saginaw, Swan Creek, and Black River Bands began to diminish.

Between the years 1785 and 1864, the Saginaw, Swan Creek, and Black River Bands entered into 14 separate treaties with the United States. In each of these treaties the bands gave up significant portions of land to the United States.

Our proposed legislation seeks to distribute funds representing awards for land taken under three of these treaties. The bill provides that the tribe be allowed to create a perpetual trust with the funds awarded in Indian Claims Commission dockets No. 59 and 13E, and Court of Claims docket No. 13F. These dockets were awarded to the tribe in the following manner.

On June 22, 1978 the Indian Claims Commission in docket No. 59 awarded the Saginaw Chippewa Tribe $3,479,308. This award represents compensation for lands ceded by the Saginaw, Swan Creek, and Black River Bands under the treaty of November 17, 1807. Congress appropriated funds for this docket on September 15, 1978.

On August 17, 1978, the Indian Claims Commission in docket No. 13E awarded James Strong, former chief, as representative on behalf of all members by blood of the Saginaw Chippewa Tribe of Indians, $563,624.21 as compensation for lands ceded by the Saginaw, Swan Creek, and Black River Bands under the treaty of July 4, 1805. Congress appropriated funds for this docket on January 19, 1979.

On January 19, 1979, the U.S. Court of Claims in docket No. 13F awarded $258,820.80 in another action brought by former Chief James Strong on behalf of blood members. This award was compensation for lands ceded under the treaty of September 29, 1817. The funds were appropriated by Congress on March 2, 1979.

In January and February 1983, funds totaling $16,786,642.09 were distributed from Docket No. 57 of Indian Claims Commission judgment funds. This $16,786,642.09 was distributed pursuant to a Bureau of Indian Affairs plan developed in 1976 and 1977. The plan, which became effective November 12, 1977, was paid as follows: $13,168,617.12, or 79 percent of the total, was paid out in per capita payments of $4,060 to 3,243 descendants who were not members of the tribe; $2,794,420, or 17 percent of the total, was paid out in per capita shares of $3,248.50 to all enrolled members of the tribe; and $723,605, or 4 percent of the total, was retained for tribal programs.

It should be noted that the 4 percent held out for tribal programs was 20 percent of each member's share; no money was held out from the descendants. It should also be noted that the descendants' share represents 54 percent of the total of all dockets as of July, 1984.

The tribe has expended $60,000 for 60 acres of land within the Isabella Reservation. With the exception of this land purchase, the tribe would like to include the remaining moneys from docket No. 57 in this legislation.

In the 47 years since we accepted a tribal constitution under the Indian Reorganization Act of 1934, we have come a long way; but we have always been limited because of our lack of resources. The funds awarded through the various judgments are our only real resource. If these funds are again distributed per capita, our economic potential will be severely diminished.

Therefore, with this knowledge, we have proposed the bill that is now before you. Our bill as proposed would provide a principal investment fund for economic development purposes; it provides for reinvestment of at least 10 percent of the annual income for 10 years; it provides for accounting safeguards to protect the fund, and it would be a plan consistent with the self-determination policy because it would enable us to have the responsibility of providing for our own people.

With the income derived from the investment fund, the tribe could develop programs for its people. Our plan for use of the income would be for the following programs: Health insurance program, assistance to the elderly, business development and investment, tribal education, tribal legal services, a juvenile home, land acquisition, improvement of tribal administration, recreational equipment, and burial and cemetery upkeep.

All of these purposes were arrived at through a survey of our tribal community. Further information as to how each of these needs will be provided for will be outlined in the testimony of the subchief, Ruth Moses.

The whole idea, as we visualize it, is to reduce our dependence on Federal Government programs, which are continually decreasing each year, whereas the idea of providing per capita payments of $1,200 to $1,600 would only serve to dissipate the funds, only leading to more dependence by the tribe on Federal programs.

In an effort to address other historical issues, on April 15, 1985, the tribal council approved a revision of the tribal constitution of 1937 by tribal resolution L&O-03-85. There are numerous reasons for revising the constitution, which has remained substantially the same since 1937, but the main reason is to cut down the restrictions on voting and enable those eligible for tribal membership to overcome the territorial and residential barriers that now exist. Alvin Chamberlain, tribal council member and chairman of the constitution review committee, will be providing further testimony on the proposed changes approved by tribal resolution L&O-03-85.

I want to reemphasize the fact that this is all the money left from our land claim settlements. To dissipate the remaining assets through per capita distribution has no economic or historical justification. Without the existence of a tribal entity there would have been no funds.

We respectfully request that you allow us to preserve this money for our future by supporting our legislation. To do so will be to provide a better and brighter future for our children, which our ancestors were unable to do in 1805, 1807, and 1817. To per capitalize these funds would be tantamount to making the same errors that were made in treaty times, which ended up with our ancestors having nothing.

In closing, I would like to inform this committee that we are now receiving assistance through a Charles Stewart Mott Foundation grant, to develop the investment plan for the fund that would be created by this legislation. The grant is providing us with expert assistance from Carol Oman, a financial consultant, formerly of Chase Manhattan Bank and the Carter administration, to review the alternatives available for investment of the principal balance of our funds. We believe that our idea as illustrated in this legislation should be encouraged by the Government. At heart here is the preservation of our way of life.

Thank you.

[Mr. Sowmick's prepared statement, on behalf of the Saginaw Chippewa Indian Tribe, follows:]

The Saginaw Chippewa Indian Tribe

STATEMENT OF ARNOLD J. SOWMICK, SR., TRIBAL CHIEF - SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN, BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, S. 1106, A BILL "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN IN DOCKETS NUMBERED 59 AND 13E BEFORE THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F BEFORE THE UNITED STATES CLAIMS COURT, AND FOR OTHER PURPOSES".

July 10, 1985

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Our Tribe traces its origins to the Saginaw, Swan Creek and Black River Bands of Chippewa Indians who inhabited the northeast portion of Michigan during the 18th century. As the United States slowly began to take over the Michigan Territory, the Saginaw, Swan Creek and Black River Bands began to diminish.

Between the years 1785 and 1864 the Saginaw, Swan Creek and Black River Bands entered into fourteen separate treaties with the United States. In each of these treaties the bands gave up significant portions of land to the United States.

Our proposed legislation seeks to distribute funds representing awards for land taken under three of these treaties. The Bill provides that the Tribe be allowed to create a perpetual trust with the funds awarded in Indian Claims Commission Dockets 59 and 13E, and Court of Claims Docket 13F.

These Dockets were awarded to the Tribe in the following manner:

1. On June 22, 1978 the Indian Claims Commission in Docket 59 awarded the Saginaw Chippewa Tribe $3,479,308. This award represents compensation for lands ceded by the Saginaw, Swan Creek and Black River Bands under the Treaty of November 17, 1807. Congress appropriated funds for this docket on September 15, 1978.

2. On August 17, 1978, the Indian Claims Commission in Docket 13E awarded James Strong (former Chief), as representative on behalf of all members by blood of the Chippewa Tribe of Indians, $563,624.21, as compensation for lands ceded by the Saginaw, Swan Creek and Black River Bands under the Treaty of July 4, 1805. Congress appropriated funds for this Docket on January 19, 1979.

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In January and February of 1983 funds totaling $16,786,642.09 were distributed from Docket 57 of Indian Claims Commission Judgment Funds. This $16,786,642.09 was distributed pursuant to a Bureau of Indian Affairs plan developed in 1976 and 1977. The plan, which became effective in November 12, 1977 was paid as follows:

1. $13,168,617.12 or 79% of the total was paid out in per capita payments of $4,060 to 3,243 descendants who were not members of the Tribe.

2. $2,794,420 or 17% of the total was paid out in per capita shares of $3,248.50 to all enrolled members of the Tribe.

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It should be noted that the 4% held out for Tribal programs was 20% of each member's share, no money was held out from the descendants. It should also be noted that the descendants share represents 54% of the total of all dockets as of July, 1984.

The Tribe has expended $60,000 for 60 acres of land within the Isabella Reservation. With the exception of this land purchase, the Tribe would like to include the remaining moneys from Docket 57 in this legislation.

In the forty-seven years since we accepted a Tribal Constitution under the Indian Reorganization Act of 1934, we have come a long way, but we have always been limited because of our lack of resources. The funds awarded through the various judgments are our only real resource. If these funds are again distributed per-capita, our economic potential will be severely diminished.

Therefore, with this knowledge, we have proposed the bill that is now before you. Our Bill as proposed would provide:

1. A principal investment fund for economic development purposes.

2. It provides for reinvestment of at least 10% of the annual income for ten years.

3. It provides for accounting safeguards to protect the Fund.

4. It would be a plan consistent with the self-determination policy, because it would enable us to have the responsibility of providing for our own people.

With the income derived from the investment fund, the Tribe could develop programs for its people. Our plan for use of the income would be for the following programs:

1. Health Insurance Program;
2. Assistance to the Elderly;
3. Business Development and Investment;
4. Tribal Education;
5. Tribal Legal Services;
6. A Juvenile Home;
7. Land Acquisition;
8. Improvement of Tribal Administration;
9. Recreational Equipment; and
10. Burial and Cemetary Upkeep.

All of these purposes were arrived at through a survey of our Tribal community. Further information as to how each of these needs will be provided for, will be outlined in the testimony of the Sub-Chief, Ruth Moses.

The whole idea, as we visualize it, is to reduce our dependence on federal government programs, which are continually decreasing each year. Whereas, the idea of providing per-capita payments of $1,200 to $1,600 would only serve to dissipate the funds, only leading to more dependence by the Tribe on federal programs.

In an effort to address other historical issues, on April 15, 1985 the Tribal Council approved a revision of the Tribal Constitution of 1937 by Tribal Resolution L&O-03-85. There are numerous reasons for revising the Constitution, which has remained substantially the same since 1937, but the main reason is to cut down the restrictions to voting and enable those eligible for Tribal membership to overcome the territorial and residential barriers that now exist. Alvin Chamberlain, Tribal Council member and Chairman of the Constitution Review Committee will be providing further testimony on the proposed changes approved by Tribal Resolution L&O-03-85.

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In closing I would like to inform this committee that we are now receiving assistance through a Charles Stewart Mott Foundation Grant, to develop the investment plan for the fund that would be created by this legislation. The Grant is providing us with expert assistance from Carol Cohn, a financial consultant, formally of Chase Manhattan Bank and the Bank Carter Administration to review the alternatives available for investment of the principal balance of our funds. We believe that our idea as illustrated in this legislation should be encouraged by the government. At heart here is the preservation of our way of life. Thank you.

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Mr. TAYLOR. Thank you, Mr. Sowmick.

I think before I ask any questions we will go ahead and receive the statements of the whole panel.

Ms. Moses, if you would please proceed.

STATEMENT OF RUTH MOSES, TRIBAL SUBCHIEF, SAGINAW CHIPPEWA INDIAN TRIBE, MOUNT PLEASANT, MI

Ms. MOSES. Good morning, Mr. Chairman, and honorable members of the committee. Thank you for allowing me the time to say how the proposed principal investment fund will provide for the needs of our people.

In addition to serving on the tribal council as subchief, I am also employed by the tribe as executive secretary. I have been working for the tribe for over 11 years.

The purpose of our investment strategy is a reflection of our goal and commitment to build an economic base and to enable the tribe to be less financially dependent on the Federal Government.

The programs identified in Mr. Sowmick's testimony were conducted in a community survey and endorsed by the tribal council to be developed from those annual revenues. Those objectives that have been reviewed are by no means all-inclusive of the possibilities or the needs; rather, they constitute some of the primary needs that can be addressed.

First Nations Financial Project is an Indian controlled and staffed nonprofit organization devoted to working with small, resource-poor tribes in becoming economically self-sufficient. First Nations Financial Project has helped us in the identification of those financial consultants. This entire development process has been underway now for over 8 months, which I think is a good reflection of our commitment to the viability of the investment plan as the best avenue for economic self-sufficiency.

Thank you.

[Ms. Moses' prepared statement follows:]

The Saginaw Chippewa Indian Tribe

[illegible] MT. PLEASANT, MICHIGAN 48858 [illegible]

STATEMENT OF RUTH LOSES, TRIBAL SUB-CHIEF - SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN, BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, S. 1106, A BILL "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA INDIAN TRIBE IN DOCKETS NUMBERED 59 AND 13K BEFORE THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F BEFORE THE UNITED STATES CLAIMS COURT AND FOR OTHER PURPOSES".

July 10, 1985

Mr. Chairman and honorable members of the committee, thank you for allowing me the time to outline how the proposed "Principal Investment Fund" will provide for the needs of our people.

In addition to serving on the Tribal Council as Sub-Chief, I am also employed by the tribe as Executive Secretary. I have been working for the Tribe for over eleven years. I am the youngest of nine children and have lived on the Isabella Reservation my entire life. As the youngest member of the Tribal Council, I represent the new generation of leadership for the Saginaw Chippewa Tribe. But we may be a generation without a future. Our future is dependent on whether you endorse our proposal to invest these judgment funds - our last resource.

The purpose of our investment strategy is simple. It is a reflection of our goal and commitment to build an economic base that will enhance the opportunities for our people to improve their standard of living, and to enable the Tribe to be less financially dependent on the federal government.

According to the proposed bill (1106), the principal fund cannot be dissipated, but 90% of the annual revenues can be appropriated by the Tribe for various purposes.

The following programs were identified in a community survey, and endorsed by the Tribal Council, to be developed from those annual revenues:

1. The first priority of the Tribe is the provision for Membership Health Insurance. This program will provide full health coverage to all tribal members and their families. With a fifty percent unemployment rate, many of our people do not have adequate health coverage. And many are in need of specialized health care that are not covered under existing health programs. This health insurance program will not duplicate existing services, but will supplement programs that are inadequate. The purpose is to insure that those who fall through the so-called "safety net" will be covered by our own.

2. The second priority is the development of an Elderly Assistance Program. Most of our elders have been subjected to poverty conditions all their lives, and now we may have the capacity to insure that their remaining years are properly cared for. Our priorities for elderly assistance will be to provide specialized health care otherwise unavailable, particularly in-home health care; access to decent and safe housing; and access to transportion services.

3. Our third priority is identified as Business Development and Investment. By this we mean investment at the local level. The first part of this objective will involve the use of our financial resources to leverage the creation of tribal enterprises and joint-ventures. The second part will involve the establishment of a community development credit union, which will focus the following needs:

   a. To provide "seed" money to tribal members, enabling them to start their own businesses on the reservation.

   b. Down payment loans to tribal members as a means of leveraging other sources of financing to buy or build homes.

   The concept of a credit union will be an important mechanism in the development of a tribal economy, and in the investment of our peoples' future.

4. Our fourth priority concerns Tribal Education. For to many years our people have been victims to the cultural alienation of the public school system. The consequences of those experiences have resulted in a drop-out rate ranging from sixty to eighty percent. This has had a devastating effect on the potential of our people. Therefore, this priority will serve two objectives:

   a. To provide funding for the development and operation of a tribally-controlled school. We have already established our own school board and hired a development director. Our goal is to begin the K-12 school by the fall of 1986.

   b. To provide higher education and apprenticeship training scholarships for tribal members.

5. Our next priority involves the provision of Legal Services. Federal budget cuts with the legal services corporation, of which the Michigan Indian Legal Services was subject, as well as cuts affecting our B.I.A. - funded judicial services program, have left our tribal members without adequate access to legal consultation and representation. The purpose of this objective will be to employ free legal services for our members.

6. Another priority concerns Land Acquisition. The tribal land base where our community is located is only 510 acres, certainly one of the smallest in Indian country. Half of the land is leased for agricultural use. The rest is either already developed with

housing, community facilities, or cannot be developed because of a high water table. There is an abundance of good available land adjacent to our community if we only had the means to acquire it. Our community is experiencing strong growth pressures. The housing is overcrowded, with two or three families in many homes. We also need land for economic development, as well as cultural, recreational, and tourism development.

7. Our final priority concerns upgrading our Tribal Administration. As Executive Secretary, I have seen the impact the budget cuts have had on our capacity to manage increasingly complex programs with declining personnel. The quality and range of services we can provide for our people have suffered as well. The purpose of this objective is to supplement and expand on our services and personnel by replacing the declining federal dollar with our own dollar.

These objectives that I have just reviewed are by no means all inclusive of the possibilities or the needs. Rather, they constitute some of the primary needs that can be addressed from the investment strategy.

Futhermore, we are receiving technical assistance from First Nations Financial Project, an Indian controlled and staffed non-profit organization devoted to working with small resource - poor tribes in becoming economically self-sufficient. Last year we received a grant from the Charles Stewart Mott Foundation to finance the cost of employing financial experts to assist the tribe in developing an investment strategy, and in selecting a credible Michigan - based financial management firm.

First Nations Financial Project has helped us in the identification of those financial consultants. They will also be working with us in the development of the socio-economic plan I reviewed earlier in ways which we can leverage outside resources so as to maximize our own.

This entire development process has been underway now for over eight months, which I think is a good reflection of our commitment to the viability of the investment strategy as the best avenue for our economic self-sufficiency. Thank you.

Mr. TAYLOR. Mr. Chamberlain.

STATEMENT OF ALVIN CHAMBERLAIN, COUNCIL MEMBER AND CHAIRMAN OF THE CONSTITUTIONAL REVIEW COMMITTEE, SAGINAW CHIPPEWA INDIAN TRIBE, MOUNT PLEASANT, MI

Mr. CHAMBERLAIN. Mr. Chairman and distinguished members of the committee, it is indeed a pleasure to be here today before you to present my views concerning S. 1106, the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act. My name is Alvin Chamberlain, better known as Booster or Running Deer, and I am a member of the Saginaw Chippewa Tribe and an elected member of the tribal council, for which I serve as chaplain of the tribe.

In June of 1984, I accepted the appointment of our tribal council for the position of chairman of the constitutional review committee. On December 12, 1984, we prepared a draft of the revised constitution for the tribal council to review. The tribal council, with the assistance of the review committee, the tribal attorney, Karl Funke, and others went over what we had prepared. After a total of 10 separate drafts, beginning in November of 1983, we as the tribal council approved a revised constitution on April 15, 1985, by Tribal Resolution L&O-03-85.

On April 18, 1985, a secretarial election was requested. Presently, we live under a tribal constitution which was ratified by the tribe on March 27, 1937, and approved by the Secretary of the Interior on May 6, 1937, pursuant to the Indian Reorganization Act of 1934. The constitution has not been amended or revised since that time, 48 years ago.

The basic problems that our present constitution has are that membership is restricted to individuals of at least one-quarter degree Indian blood born to any member who was a resident of the reservation at the time the child was born, or through a cumbersome process of adoption through an ordinance, which was rescinded in 1982 in order to expedite distribution of docket No. 57; that representation on the tribal council is limited to the Isabella Reservation; and that members are required to be 21 in order to vote in tribal elections.

In an effort to bring our tribal constitution up to date and to better serve our members, we have proposed the following changes to help solve the problems as mentioned.

Membership will be based on one-quarter degree blood quantum for any child born to a member, regardless of when the child is born.

All descendants of at least one-quarter degree Indian blood will have the opportunity to apply for membership for an 18-month period after the effective date of the amended constitution. This will not require an adoption process, but will require application and proof of descendancy and blood quantum.

Time does not allow me to go into depth or cover all of the changes that were approved by the tribal council; therefore, I have included as part of my testimony, for the record, a copy of the proposed revisions along with a copy of Tribal Resolution L&O-03-85, along with the written testimony.

Now, I grew up on the reservation—I am 39 years old—I grew up on the reservation, went to school there, and later on in life I went to welding school and got my degree in welding in Cleveland, OH. I have spent 21 years welding, and I live on the reservation and am employed now in a machine shop in Mount Pleasant, where for 12 years I have been a welder.

Anyway, as part of my testimony today, I have often heard, down through the years of living on the reservation, that "We're going to get our Indian money. We're going to get our Indian money." And the time came that it finally did, and I thought to myself, "Gosh, all this time we're talking about Indian money, and it's finally come? The Government is finally going to come across with the Indian money?"

So, in waiting all that time and finally receiving the Indian money, $3,200, which I spent, I thought, wisely; I didn't drink it up or carouse around with it, I spent it wisely—and I thought to myself, though, that there are others that didn't spend it like I did. And I didn't agree with it.

All right. Now we have a plan here to pool our money, if I could use that term, to pool our money and have plans for the reservation. I thought to myself that with that $18 million, or whatever it was, that was presented to us before, and if only Alvin Chamberlain would have known then, we could have stuck that money into something—Merrill Lynch or Cabbage Patch dolls or something—that would draw interest. And I thought to myself, if only we had done that.

Well, I'm part of that mistake. I wish I'd known, but now I'm here today with this committee to see if something can be done about this. We have $8 million or $9 million, whatever, if we could just present that into a plan. And as for our bingo, for example—I don't go to bingo; I don't believe in bingo. I'm a chaplain; I don't believe in gambling, and yet I support it. I see what bingo has done for our reservation. I see how it employs different people. They no longer have to go to the unemployment line. They are more self-sufficient, if I can use that term, and they are coming along real good. If bingo was to get off the reservation or whatever, we'll probably be back in the unemployment line or whatever, those ones that attend bingo. So I'm here today to give my testimony, and I don't want to take any more of your time, but I thank God for all has been done and said, and I praise the Lord for being here. I thought I was going to be real shaky but you people are just like me; God bless you, and thank you.

[Mr. Chamberlain's prepared statement, with attachments, follows. Testimony resumes on p. 52.]

The Saginaw Chippewa Indian Tribe

[illegible] E. BROADWAY MT. PLEASANT, MICHIGAN 48858 (517) [illegible]

STATEMENT OF ALVIN CHAMBERLAIN, CHAPLAIN OF THE SAGINAW CHIPPEWA TRIBAL COUNCIL, BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, S. 1106, A BILL "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA INDIAN TRIBE IN DOCKETS NUMBERED 59 AND 13E BEFORE THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F BEFORE THE UNITED STATES CLAIMS COURT AND FOR OTHER PURPOSES".

July 10, 1985

Mr. Chairman and distinguished members of the committee. It is indeed a pleasure to be here today before you, to present my views concerning S. 1106. The Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgement Funds Act. My name is Alvin Chamberlain, I am a member of the Saginaw Chippewa Tribe and an elected member of the Tribal Council for which I serve as Chaplain of the Tribe.

In June of 1984, I accepted the appointment of our Tribal Council for the position of Chairman of the Constitutional Review Committee. Thereafter, I advertised for volunteers to the committee. A total of eight individual Tribal members volunteered their time. These people, along with our Tribal Attorney, worked on preparing recommendations for the Tribal Council as to how our Tribal Constitution could be improved, revised and updated.

Beginning on August 15, 1984, we held meetings and made changes in the Constitution. On December 12, 1984, we prepared a draft of the revised Constitution for the Tribal Council to review. The Tribal Council, with the assistance of the review committee, the Tribal Attorney, Karl Funke, and others went over what we had prepared. After a total of ten separate drafts, beginning in November of 1983, we as the Tribal Council approved a revised Constitution on April 15, 1985 by Tribal Resolution L&O-03-85.

On April 18, 1985 a letter, signed by Tribal Chairman, Arnold J. Sowmick, Sr., was sent to the Michigan Agency requesting a Secretarial Election. Along with the Resolution and the proposed revision, were petitions signed by Tribal members requesting that the Bureau of Indian Affairs conduct a Secretarial Election for the purpose of voting on the Revisions of the Tribal Constitution.

Presently we live under a Tribal Constitution which was ratified by the Tribe on March 27, 1937, and approved by the Secretary of Interior on May 6, 1937, pursuant to the Indian Reorganization Act of 1934. The Constitution has not been amended or revised since that time, forty-eight years ago. As early as 1977 we recognized that vital changes were needed in our Constitution and as time went on, we felt the necessity of it more and more.

The basic problems that our present Constitution has is six-fold:

1. Membership is restricted to individuals of at least one-quarter degree Indian blood born to any member who was a resident of the reservation at the time the child was born, or through a cumbersome process of adoption through an ordinance, which was rescinded in 1982 in order to expedite distribution of Docket 57.

2. Representation on the Tribal Council is limited to the Isabella Reservation.

3. Members are required to be twenty-one in order to vote in Tribal elections.

4. There is no clear method of removing a member of the Tribal Council charged with improper conduct or neglect of duty.

5. The powers of the Tribal Council are somewhat vague.

6. The method of amendments or conducting a referendum is not fully understandable.

In an effort to bring our Tribal Constitution up to date and to better serve our members we have proposed the following changes to help solve the problems as mentioned:

1. Membership will be based on one-quarter degree blood quantum for any child born to a member, regardless of when the child is born.

2. All descendants of at least one-quarter degree Indian blood will have the opportunity to apply for membership for an 18 month period after the affective date of the Amended Constitution. This will not require an adoption process, but will require application and proof of descendency and blood quantum.

3. The Tribal Council would go from ten to twelve members and provide for three districts. This would provide representation from the Saganing Reservation in Arenac County and for an at-large district.

4. Eighteen year old members would have the right to vote in Tribal elections.

5. The method for removal of a Tribal Council member is fully set out.

6. A method for making amendments or conducting a referendum is set out.

7. Powers of the Tribal Council are revised and amended in order to allow the Tribal Council to know exactly what their responsibilities and duties are.

Time does not allow me to go into depth or cover all of the changes that were approved by the Tribal Council. Therefore, I have included as part of my testimony, for the record, a copy of the proposed revisions along with a copy of Tribal Resolution L&O-03-85.

I grew up on the Isabella Reservation, went to school in Mt. Pleasant, and through the Bureau of Indian Affairs attended a training program in Cleveland, Ohio to learn welding over twenty years ago. I have been working as a welder ever since my training, presently in a small machine shop for the past twelve years. I am also a man of God, receiving Indian Pastor's training through the Methodist Church, I have been ministering among my people for 12 years. I am telling you this because I want to emphasize the fact that I am a common laborer, not a professional, nor do I have the qualifications or education that many of the people in this room have.

I care very much about my people and their future survival which more and more seems to be in danger. The rights of Tribes to conduct Bingo is in danger. I personally do not attend bingos but I defend the Tribes' right to have them and I know it helps our people. I am also here today, with my brethren, to request that you not distribute Dockets 59, 13E and 13F the way that Docket 57 was distributed. Both the issue of bingo and our distribution plea are matters of survival. For Congress to decide to restrict Bingo to state regulations or to allow more per capita distribution, could very well lead to the extinction of our Tribe.

I submit to you that we cannot, nor should we continue to rely on Government programs for our survival. Our only available avenue is to have money and resources of our own to rely on. In closing I would like to say that I have felt it an honor to serve my people and given this testimony today. I hope and pray that as we look to a future for our Tribe that you also share this vision with us. I love my people and my country, we are all one. Therefore I request that you consider the enactment of S. 1106, as part of our effort to preserve our Tribe and to provide for a future. Thank you.

The Saginaw Chippewa Indian Tribe

7070 E. BROADWAY MT. PLEASANT, MICHIGAN 48858 (517) 772-5700

Resolution L&O-03-85

WHEREAS: The Saginaw Chippewa Indian Tribe of Michigan is a federally recognized Indian Tribe organized under a constitution and by-laws ratified by the Tribe on March 27, 1937, and approved by the Secretary of the Interior on May 6, 1937, pursuant to appropriate provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS: The Saginaw Chippewa Indian Tribe is a federal corporation chartered under the Act of June 18, 1934, (48 Stat. 984); and

WHEREAS: The Constitution and By-Laws of the Saginaw Chippewa Indian Tribe of Michigan having been adopted 48 years ago in 1937, requires update and revision; and

WHEREAS: The Tribal Council appointed a committee to review the Tribal Constitution; and

WHEREAS: The Tribal constitutional review committee after having drafted a number of revisions of the Constitution have recommended a draft to the Tribal Council; and

WHEREAS: The Tribal Council having reviewed the revisions and approved a final draft; and

WHEREAS: Article V of the Tribal Constitution requires that 30% of the eligible voters may petition for a referendum; and

WHEREAS: Article VII of the Tribal Constitution requires that any amendments or revisions in the constitution requires an election, in which a majority of the qualified voters approve of the proposed change(s); and

WHEREAS: Said election is to be conducted by the Bureau of Indian Affairs, and is designated as a Secretarial Election; and

WHEREAS: Petitions have been circulated among the eligible voters from the last Tribal Council election; and

WHEREAS: A total of 150 signatures was obtained excluding duplications;

RESOLUTION L&O-03-85
Page Two

AND, NOW THEREFORE, BE IT RESOLVED, That the Saginaw Chippewa Indian Tribe of Michigan hereby requests that the Bureau of Indian Affairs conduct an election within the prescribed time limits for such elections, for the purpose of revising the Tribal Constitution and By-Laws.

AND BE IT FURTHER RESOLVED, That a copy of the proposed revision and the original petitions for a election be enclosed as an attachment to this Resolution.

CERTIFICATION

The foregoing resolution was duly adopted by the Saginaw Chippewa Indian Tribe with a quorum being present during a (regular, special) meeting on the 15th day of April, 1985 by a vote of 7 for, 0 against, and 0 abstaining.

Arnold J. Sowmick, Tribal Chairman

Jeannette Johnson, Tribal Secretary

April 16, 1985

CONSTITUTION OF THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN

PREAMBLE

Original: We, the Indians residing on the Isabella Reservation in the state of Michigan, in order to reestablish our Tribal organization, to conserve our Tribal property, to develop our common resources, do adopt and establish this Constitution in accordance with existing law.

Proposed Revision: We, the members of the Saginaw Chippewa Indian Tribe of Michigan, in order to conserve and develop our lands and resources, to establish justice and promote the general welfare, do adopt and establish this amended Constitution for the Saginaw Chippewa Indian Tribe of Michigan.

ARTICLE I - NAME OF ORGANIZATION

Original: This organization shall be known as the Saginaw Chippewa Indian Tribe of Michigan. Said organization is to be composed of the descendants of members of the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians residing on the Isabella Reservation on June 1, 1934, and at the time of the adoption of this Constitution, and all other persons recognized as Indians under Section 19 of the Act of June 18, 1934 (48 Stat. 904), who are residing on the Isabella Reservation at the time of the adoption of this Constitution.

Proposed Revision: This organization shall be known as the Saginaw Chippewa Indian Tribe of Michigan.

ARTICLE II - TERRITORY

Original: The jurisdiction of the Saginaw Chippewa Indian Tribe of Michigan shall extend to the territory within the original confines of the Isabella Reservation established by the treaty of October 18, 1864 (14 Stat. 657), and to other lands within or without such boundaries as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

Proposed Revision: The jurisdiction of the Saginaw Chippewa Indian Tribe of Michigan shall extend to the territory within the original confines of the Isabella Reservation established by the treaty of October 18, 1864 (14 Stat. 657), and to other lands within or without such boundaries which have or may hereafter be added thereto under any law of the United States.

ARTICLE III - MEMBERSHIP

SECTION 1. Original: Membership in the Saginaw Chippewa Indian Tribe of Michigan shall consist of:

(a) All persons whose names appear on any or all of the allotment rolls of November 10, 1883, November 13, 1885, and November 7, 1891, their descendants and all other Indians entitled to reside on the Isabella Reservation: Provided, that no person may be a member of the Tribe unless he is a resident of the Reservation at the time of the adoption of this Constitution and By-Laws.

SECTION 1. Membership of the Saginaw Chippewa Indian Tribe shall consist of:

Proposed Revision: (a) All persons whose names appeared on any of the following Rolls:

(1) November 10, 1883;
(2) November 13, 1885;
(3) November 7, 1891; or
(4) December 10, 1902.

Original: (b) All future-born children of at least one-quarter degree Indian blood born to any member who is a resident of the Reservation at the time of the birth of said children.

Proposed Revision: (b) All children of at least one-quarter degree Indian blood born to any member of the Saginaw Chippewa Indian Tribe of Michigan.

Amendment: (c) All descendants of persons whose names appear on any rolls enumerated in subsection (a) of this section who are at least one-quarter degree Indian blood born prior to or within one year of the effective date of approval of this amended Constitution by the Secretary of Interior; provided that such descendants duly apply for membership in the Saginaw Chippewa Indian Tribe of Michigan within 18 months of the effective date of this Amended Constitution.

Amendment: (d) Any person of at least one-quarter degree Indian blood who is an adopted child of any member of the Saginaw Chippewa Indian Tribe of Michigan or is married to any member may become an adopted member of the Tribe pursuant to any adoption ordinance which the Tribal Council may enact. Every person adopted pursuant to this section shall be deemed to be a member of the Tribe of all intents and purposes, EXCEPT that no person so adopted into the Tribe shall be eligible to hold the office of Chief, Subchief, Tribal Secretary, Tribal Treasurer or Tribal Council member.

SECTION 2. Amendment: Any enrolled member of the Tribe who applies for and becomes an enrolled member of any other federally recognized Indian Tribe, Band or group subsequent to their enrollment in the Saginaw Chippewa Indian Tribe of Michigan shall thereby forfeit membership in the Saginaw Chippewa Indian Tribe of Michigan and shall be disenrolled and thereafter shall not be entitled to any subsequent rights of membership.

SECTION 3. Amendment: Any adopted member of the Saginaw Chippewa Indian Tribe of Michgian may be subject to disenrollment in the Tribe for the following reasons:

(a) The individual became an adopted member of the Tribe by reason of marriage to a member of the Tribe and such marriage has been terminated by annulment or divorce and such adopted member has neither maintained a principal residence on the Isabella or Saganing Reservation nor remarried to another member of the Tribe for a period of twelve or more consecutive months preceeding Tribal disenrollment action; or

(b) The individual became an adopted member of the Tribe by being an adopted child of a member of the Tribe, upon reaching the age of 18 or older, elects to abandon Tribal relations with the Saginaw Chippewa Indian Tribe of Michigan in favor of re-establishing Tribal relations with the Tribe from which they are descendants by blood.

(c) Individuals so disenrolled shall thereafter not be entitled to share any subsequent rights of membership.

SECTION 4. Amendment: All members of the Tribe shall report to the Tribal Secretary in person or by certified letter at least once each year in order to be entitled to any monetary benefits apportioned to the members of the Tribe. Such report shall contain the member's legal name and current address. The Tribal Secretary shall be responsible for maintaining an up to date and accurate record of such reports, the date filed and the information contained therein.

ARTICLE IV - GOVERNING BODY

SECTION 1. Original: The governing body under this Constitution shall be the Tribal Council, which shall be composed of ten headmen, who shall be chosen by ballot by the qualified voters of the organization.

SECTION 1. Proposed Revision: The governing body of the Saginaw Chippewa Tribe of Michigan shall be known as the Saginaw Chippewa Tribal Council. The Tribal Council shall be composed of twelve Tribal members elected by popular vote by the respective resident Tribal members entitled to vote in each of three voting districts.

SECTION 2. Original: The entire Council shall be elected from within the Reservation until such time as a sufficient number outside the Reservation have become members of the organization by adoption to constitute a group of 100, or more, shall then be entitled to elect from within or from outside of the Reservation 1 of the 10 headmen as a representative upon the Tribal Council.

SECTION 2. Proposed Revision: The respective voting districts and the number of Tribal Council members to be elected from each are as follows:

1. Isabella District - Ten Tribal Council members shall be elected from this District by the resident voting tribal members of the District. The District shall encompass the Isabella Reservation as established by the Treaty of 1864 and any other lands within or without such boundaries which are contiguous or adjacent to such reservation and have been or may hereafter be added thereto.

2. Saganing District - One Tribal Council member shall be elected from this District by the resident voting tribal members of the District. The District shall encompass Arenac County of Michigan.

3. At Large District - One Tribal Council member shall be elected from this District by the resident voting tribal members of the District. The District shall encompass the lands within or without the State of Michigan which are not encompassed in either the Isabella or Saganing Districts.

SECTION 3. Original: Each 100 members referred to in Section 2 of this Article shall represent a definite voting district. They shall elect their own representation.

SECTION 3. Proposed Revision: The Tribal Council may modify the boundaries of any voting district.

SECTION 4. Original: As the membership increases the Council shall maintain and regulate, by ordinance, the proper quota for each of the 10 voting precincts in the Tribal organization, so that each community may have an equal representation upon the Council.

SECTION 4. Proposed Revision: The Tribal Council may modify the number of Tribal Council members to be elected from each district; provided that; the Isabella District shall not have less than eight Tribal Council members and the total number of Tribal Council seats may not be modified.

SECTION 5. Original: The Tribal Council, so elected, shall elect from its number one Tribal Chief, one Subchief, one Tribal Secretary, and one Tribal Treasurer. Said officers, when so elected by the Tribal Council, shall be known as the Executive Council. The Tribal Council shall appoint all necessary subordinate officers, boards, and committees.

SECTION 6. Original: The Executive Council shall exercise the powers and duties delegated to it by the Tribal Council, which reserves the right of review over the actions of the Executive Council.

SECTION 7. Original: The present Business Committee shall provide the regulations for nominations and the conduct of the first election, and thereafter the Tribal Council shall make such provisions for all elections, by proper ordinance.

SECTION 7. Proposed Revision: The Tribal Council shall make provisions for all elections, by proper ordinance.

SECTION 8. Original: After the first election of the Tribal Council shall be elected every 2 years, in the month of November, the date and manner of election to be provided by the Tribal Council as provided in Section 7 of this Article.

SECTION 8. Proposed Revision: The Tribal Council shall be elected every two years in the month of November. The date and manner of election to be provided by the Tribal Council as provided in Section 7 of this Article.

SECTION 9. Original: Regular meetings of the Tribal Council shall be held in the months of March and September of each year, on the dates of said months designated by the Tribal Council, or at such other times as the Council may by resolution provide. Special meetings may be called by the Tribal Chief, or by a majority of the Tribal Council in writing, and when so called the Tribal Council shall have power to transact business as in a regular meeting.

SECTION 9. Proposed Revision: Regular meetings of the Tribal Council shall be held each month of the year on dates designated by the Tribal Council. Special meetings may be called by the Tribal Chairman, or by a majority of the Tribal Council. When so called the Tribal Council shall have the power to transact business as in a regular meeting.

SECTION 10. Original: Seven members of the Tribal Council shall constitute a quorum for the transaction of business at any regular or special meeting.

SECTION 11. Original: Any enrolled member of the Saginaw Chippewa Indian Tribe of Michigan who is 21 years of age or over shall be entitled to vote at any election at which he presents himself at the polls on election day in the district in which he resides during the official voting hours.

SECTION 11. Proposed Revision: Any enrolled member of the Saginaw Chippewa Indian Tribe of Michigan who is 18 years of age or over shall be entitled to vote at any election, on election day in the district in which the member resides, during the official voting hours.

SECTION 12. Original: Any person elected to the Tribal Council must be a member of the Saginaw Chippewa Indian Tribe of Michigan, 25 years of age or over, and a resident of the district from which elected for at least 1 year immediately preceding such election. No person shall be qualified to hold office who is an employee of the Indian Service, or who has been convicted of a felony.

SECTION 12. Proposed Revision: Any person elected to the Tribal Council must be a member of the Saginaw Chippewa Indian Tribe of Michigan, 25 years of age or over, and a resident of the district from which elected for at least 1 year immediately preceding such election. No person shall be qualified to hold office who is an employee of the Bureau of Indian Affairs, or who has been convicted of a felony.

SECTION 13. Original: The Tribal Council shall be the sole judge of the qualifications of its own members.

SECTION 14. Original: The Tribal Council shall have the power to remove from office any officer or headman charged with improper conduct or gross neglect of duty, after giving notice to the accused officer or headman and an opportunity for him to answer the charge. When it shall be deemed by the people as a whole that a member of the Tribal Council is not giving satisfactory service, the Tribal Council, upon the petition of

at least 30 percent of the eligible voters in the organization, shall call an election, at which it shall be determined whether the designated officer shall be recalled from office.

SECTION 14. Proposed Revision:

(a) Any member of the Tribal Council guilty of neglect of duty, misconduct in office or an offense involving dishonesty may be removed from office by the Tribal Council by a vote of two-thirds (2/3) of the members of the Tribal Council members voting, provided such member is first given twenty (20) days' notice in writing by the Tribal Secretary or Chief, and an opportunity to be heard and present evidence on his behalf; or

(b) Upon receipt of a petition signed by at least thiry (30) percent of the eligible voters within the voting district concerned seeking removal of a Tribal Council member from that district, the Tribal Council shall call a special election in the concerned district to vote on the removal of the official in question. Only persons qualified to vote in tribal elections in the concerned voting district shall be eligible to vote in a removal election of an official of that district and said removal election shall be held in the same manner as general tribal elections. Removal shall be accomplished by a majority vote of those voting: Provided that, at least thirty (30) percent of those entitled to vote shall vote in such election. Before any such removal election is held in the district from which the Tribal Council received the removal petition and at such meeting the official in question shall have an opportunity to be heard and present evidence on his behalf. The Tribal Secretary or Chief shall provide the official in question at least twenty (20) days prior notice of any district meeting called by reason of submission of a removal petition to the Tribal Council.

(c) The Tribal Council pursuant to removal action under subsection (a) or a removal petition pursuant to action under subsection (b) shall set forth in writing the reasons for seeking removal of such official and shall provide the same to such official at least twenty (20) days prior to the meeting at which the official is to be heard.

ARTICLE V - REFERENDUM

Original: Upon petition of at least 30 percent of the eligible voters of the Saginaw Chippewa Indian Tribe of Michigan any enacted or proposed ordinance, resolution, or any other regulative act of the Tribal Council shall be submitted to a referendum of the resident qualified voters.

Proposed Revision: Upon petition of at least 30 percent of the eligible voters in each of the three (3) respective voting districts, any enacted or proposed ordinance, resolution or any other regulative act of the Tribal Council shall be submitted to a referendum of the qualified resident voters in each district. The referendum shall be effected by a majority vote in each of three respective voting districts; Provided

that, at least thirty (30) percent of those entitled to vote in each of the respective districts shall vote in such referendum.

ARTICLE VI - POWERS OF THE TRIBAL COUNCIL

SECTION 1. Original: The Tribal Council of the Saginaw Chippewa Indian Tribe of Michigan shall exercise the following powers, subject to any limitation imposed by the Statutes or the Constitution of the United States, and this Constitution:

Original: (a) To negotiate with the Federal, State, and local governments.

Original: (b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

Original: (c) To veto any sale, disposition, lease, or encumbrance of Tribal lands, interests in lands, or Tribal assets of the Tribe.

Original: (d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Saginaw Chippewa Indian Tribe of Michigan, prior to the submission of such estimates to the Bureau of the Budget and to the Congress.

Proposed Revision: (d) To consult with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Saginaw Chippewa Indian Tribe of Michigan, prior to the submission of such estimates to the Office of Management and Budget and to the Congress.

Original: (e) To manage all economic affairs and enterprises of the Saginaw Chippewa Indian Tribe of Michigan, in accordance with the terms of a charter that may be issued to the organization by the Secretary of the Interior.

Proposed Revision: (e) To manage all economic affairs and enterprises of the Saginaw Chippewa Indian Tribe of Michigan.

Original: (f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the organization, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein.

Proposed Revision: (f) To promulgate and enforce ordinances, providing for the manner of making, holding and revoking leases or assignments for Tribal land or interests therein.

Original: (g) To create and maintain a tribal council fund by accepting grants or donations from any person, State, or the United States, and levying taxes or assessments against members or nonmembers for the use of property and facilities which belong to the organization.

Original: (h) To charter subordinate organizations subject to review by the Secretary of the Interior, and to delegate to such organizations, or to any subordinate boards or officials of the organization, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

Proposed Revision: (h) To charter subordinate organizations and to delegate to such organizations, or to any subordinate boards or officials of the organization, any of the powers enumerated in this section, reserving the right to review any action taken by virtue of such delegated powers.

Original: (i) To adopt resolutions not inconsistent with this Constitution and the attached By-Laws regulating the procedure of the Tribal Council itself, and of other tribal agencies, tribal officials, or tribal organizations of the Saginaw Chippewa Indian Tribe of Michigan.

Amendment: (j) To regulate the use and disposition of tribal property, to protect and preserve the tribal property, wild life and natural resources of the Tribe, to cultivate Indian arts, crafts and culture, to administer charity, to protect the health, security and the general welfare of the Saginaw Chippewa Indian Tribe.

Amendment: (k) To levy taxes, assessments, or license fees upon members and non-members doing business within the reservation.

Amendment: (l) To exclude from the restricted lands of the Reservation persons not legally entitled to enter or reside thereon.

Amendment: (m) To enact resolutions or ordinances not inconsistent with Article III of this Constitution governing adoptions and abandonment of membership.

Amendment: (n) To govern the conduct of Indians while they are the territorial jurisdiction of the Tribe as defined in Article II of this amended Constitution and of tribal members within or without such jurisdiction as authorized by federal law and in governing the conduct of such members in the exercise of treaty reserved rights and immunities.

Amendment: (o) To safeguard and promote the peace, safety, morals and general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property within the territorial jurisdiction of the Tribe as defined in Article II of this amended Constitution and within any trust or restricted land within or without such territory which is owned by members of the Tribe.

Amendment: (p) To purchase land of tribal members for public purposes which is situated within the territorial jurisdiction of the Tribe pursuant to condemnation proceedings in courts of competent jurisdiction.

Amendment: (q) To govern the descent and distribution of real and personal property, within the territorial jurisdiction of the Tribe.

Amendment: (r) To regulate the domestic relations of members of the Saginaw Chippewa Tribe.

Amendment: (s) To provide for the appointment of guardians or foster homes for orphan, minor, and mental incompetent members of the Tribe and to administer tribal and other funds or property which may be transferred or entrusted to the Tribal Council for this purpose.

Amendment: (t) To establish a Tribal Court system for the administration of justice and the resolution of disputes within the jurisdiction of the Tribe. Such courts shall be independent of the Tribal Council.

SECTION 2. Original: The Tribal Council may exercise such further powers as may in the future be delegated to it by members of the Tribe, or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government.

SECTION 2. Proposed Revision: The Tribal Council may exercise such further powers as may in the future be delegated to it by members of the Tribe, or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal Government, or any federal statute or regulation.

SECTION 3. Original: Any rights and powers heretofore vested in the Indians residing on the Isabella Reservation in the State of Michigan but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the Saginaw Chippewa Indian Tribe of Michigan through the adoption of appropriate By-Laws and Constitutional amendments.

SECTION 3. Proposed Revision: Any rights and powers heretofore vested in the Indians residing on the Isabella Reservation in the State of Michigan but not expressly referred to in this Constitution shall not be abridged or diminished by this Constitution.

SECTION 4. Original: The Tribal Council shall have power to fill any vacancy for an unexpired term that may occur by death, resignation, forced absence, or removal from office, of a Tribal Council member: Provided, That the person so appointed shall qualify according to Section 12, Article IV of this Constitution.

ARTICLE VII - AMENDMENTS

Original: This Constitution and By-Laws may be amended by a majority vote of the qualified voters of the tribal organization voting at an election called for that purpose by the Secretary of the Interior: Provided, that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall be effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the resident qualified voters, members of the organization.

Proposed Revision: This Constitution and By-Laws may be amended by a majority vote of the qualified voters in each of the three voting districts at an election called for by the Secretary of the Interior: Provided that, at least (30) percent of those entitled to vote in each district shall vote in such election; but no amendment shall be effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by one-third of the resident qualified voters in each of the three voting districts.

BY-LAWS

ARTICLE VIII - DUTIES OF OFFICERS

SECTION 1. Original: The Tribal Chief shall preside at all meetings of the Tribal Council and perform the usual duties of a presiding office, and shall exercise any authority delegated to him by the Tribal Council. He shall countersign all checks drawn by the Tribal Treasurer. He shall be an ex-officio member of all Boards and Committees. He shall vote only in case of a tie.

SECTION 2. Original: The Subchief shall assist the Chief when called upon to do so, and in the absence of the Chief he shall preside. When so presiding he shall have the rights, privileges and duties, as well as the responsibilities of the Chief.

SECTION 3. Original: The Tribal Secretary shall conduct all correspondence of the Tribal Council, and shall keep an accurate record of all proceedings of the Tribal Council and Executive Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction copies of the minutes of regular and special meetings of the Tribal Council and of the Executive Council.

SECTION 3. Proposed Revision: The Tribal Secretary shall conduct all correspondence of the Tribal Council, and shall keep an accurate record of all proceedings of the Tribal Council and Executive Council meetings.

SECTION 4. Original: The Tribal Treasurer shall receive, receipt for, and safe-guard all funds in the custody of the Tribal Council, whether they be tribal funds or special funds for which the Tribal Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Tribal Council shall direct, and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody at each regular meeting of the Tribal Council, or of the Executive Council. He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Tribal Council.

The Tribal Treasurer shall give a bond satisfactory to the Tribal Council and to the Commissioner of Indian Affairs when required for the handling of Federal Funds or when, in the opinion either of the Tribal Council or of the said commissioner, there are sufficient funds in the Treasury to warrant such action.

SECTION 5. Original: The duties of all appointive boards or officers created by the Tribal Council shall be clearly defined by resolution of the Tribal Council at the time of their creation or appointment. Such boards and officers shall report to the Tribal Council from time to time as required and their activities and decisions shall be subject to review by the Tribal Council.

ARTICLE IX - EXECUTIVE COUNCIL MEETINGS

SECTION 1. Original: The Executive Council shall meet regularly on the first Monday of January, April, July and November, and at other times on the call of the Tribal Chief. It shall be the duty of the Tribal Chief to call a special meeting of the Executive Council upon request of three members of the Executive Council.

SECTION 1. Proposed Revision: Three members of the Executive Council shall constitute a quorum to transact business at all regular and special meetings.

ARTICLE X - RATIFICATION OF CONSTITUTION AND BY-LAWS

Original: This Constitution and those By-Laws, when adopted by a majority vote of the Indians residing on the Isabella Reservation in the State of Michigan voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

Proposed Revision: This Constitution and those By-Laws, when adopted by a majority vote of the Indians residing on the Isabella Reservation in the State of Michigan voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval or as otherwise provided by Federal law.

Mr. TAYLOR. Thank you, Mr. Chamberlain. Nicki Perez; you have no statement for the record?

Mr. PEREZ. No.

Mr. TAYLOR. Tom Wilson.

STATEMENT OF THOMAS L. WILSON, TRIBAL ATTORNEY, SAGINAW CHIPPEWA INDIAN TRIBE, MOUNT PLEASANT, MI

Mr. WILSON. I just have a couple of things. I will be submitting something in writing after this is completed.

I listened to Ms. Elbert here a little while ago—well, let me introduce myself properly. My name is Thomas Wilson; I am chief counsel for the Saginaw Chippewa Tribe. I have worked approximately 7 years with Indian tribes. Prior to being employed as the attorney for the Saginaw Chippewa Tribe, I represented all the tribes in Michigan for several years as the 2415 claims coordinator in the statute of limitations process that was conducted by the BIA.

Through the years I have asked the BIA at all levels, prior to and after the time I went to work with the Saginaw Chippewa Tribe, to give me some legal and historical precedents for why they were distributing the moneys the way they were. I've never received any, to this date. I know of no legal or historical precedents for their actions. I'm put off by it as an attorney; in training, when you win something for your client, you win something for your client. And nobody comes along at a later date and says, "Well, this is how it's going to be distributed to your client." You win the case; the judgment is yours; it goes to your client. I can't understand--and the BIA has never been able to supply me with anything to help me understand—why it has to work this way, that the tribe sued the United States under four separate documents for treaties in which the United States failed to perform certain duties that they had promised, and hereinafter the BIA comes along and decides it's going to be distributed to beneficiaries in a probate-type situation. There's no design for that. There's no historical call for that. If you look at what existed in 1807, 1805, 1817, and 1819, those people didn't call this "your land" or "my land" or "her land;" this was our land. This was tribal, a communal type of ownership. And basically, what the Saginaw Chippewa Tribe is talking about is continuing that effort in this investment plan.

I will be submitting a prepared statement in the future. Thank you.

[Mr. Wilson's prepared statement follows:]

The Saginaw Chippewa Indian Tribe

7070 EAST BROADWAY MT PLEASANT MICHIGAN 48858 (517) 772-5700

STATEMENT OF THOMAS L. WILSON, ATTORNEY AT LAW - GENERAL COUNSEL FOR THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN, BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, S. 1106, A BILL "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN IN DOCKETS NUMBERED 59 AND 13E BEFORE THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F BEFORE THE UNITED STATES CLAIMS COURT, AND FOR OTHER PURPOSES".

July 10, 1985

Mr. Chairman and distinquished members of the Committee, I am pleased to submit this written testimony in support of S. 1106. My name is Thomas L. Wilson, I am a member in good standing of the State Bar of Michigan. I am proud to say that one of my clients in the practice of Law is the Saginaw Chippewa Indian Tribe of Michigan, I have represented the Saginaw Chippewa Tribe as its General Counsel since February of 1982. Prior to my reentry into private practice I was the 2415 Claims Coordinator for all the Michigan Tribes pursuant to the Statute of Limitation Act 28 USC 2415.

I was the original author of the unamended bill that is now S. 1106. That unamended bill and the bill that is now before the Senate in S. 1106, represents a well thought out and planned example of a tribe attempting to gain and maintain economic independence and stability. I believe, that the Tribe's planned use of the moneys, which is set out in Ms. Moses' testimony would be in total keeping with the Indian policy as expressed by the Reagan Administration.

However, I feel that it is even more important for Congress to recognize that there is no Historical or Legal precedent for the Bureau of Indian Affairs alternative Bill and others similar in nature. I have asked repeatly through the years for the Bureau of Indian Affairs to provide me with some facts which would illustrate and support their continuous attempts to distribute Indian Judgement Funds on a per capita basis. As of this time the Bureau of Indian Affairs has not supplied me with any basis to support their plans. I submit to you that there is no historical or legal basis for such a plan.

The whole Judgement Fund Distribution System is designed wrong to begin with, in that it relegates the Tribe to a secondary role in the planning of how judgement funds should be distributed. Basically what happens is that the Bureau of Indian Affairs will look at a Tribe and decide how the funds shall be distributed, then it will ask the Tribe to rubber stamp it's proposal. This is a course which is completely alien to the concept of self-determination and the ideas set out in the Indian Reorganization Act of 1934. Essentially what happens to small tribes is that the Bureau of

Indian Affairs dictates how the tribe's judgement fund money's will be spent.

In the case of the Saginaw Chippewa Indian Tribe of Michigan. The Bureau of Indian Affairs proposed to the tribe in 1977 a plan for distribution of Docket numbered 57. This plan called for a per capita distribution between two groups. These groups being: Tribal members and descendants; under this plan the Tribal members received a share minus 20% for Tribal programs pursuant to the Indian Judgement Fund Distribution Act of 1973; and each descendant received a full share. At the very beginning the Saginaw Chippewa Tribal Council was never informed by anyone within the Bureau of Indian Affairs that there were other alternatives. In fact the only plan as conceived was to distribute as much of the total fund as could possibly be done under the law.

I submit that the Bureau was derelict in it's duty to inform the Tribal Council in 1977 that they had in fact recommended other kinds of plans for distribution of judgement funds and they are doing so yet today. There is no logical reason for a recommendation to distribute money's on a per capita basis, when logic dictates that such distribution is a waste of resources that can never be replenished.

Along with the lack of logic in the Bureau's planning, there are also flaws in the Bureau of Indian Affairs plans. These flaws are a follows:

1. Indian tribes and bands that existed in 1805, 1807 and 1817 did not recognize individual ownership, which could be passed onto their descendants. Yet the Bureau of Indian Affairs devises plans which are similar in nature to the non-Indian probate laws that exist.

2. In 1937 the United States recognized the Saginaw Chippewa Indian Tribe of Michigan as the successor entity to the Saginaw, Swan Creek, and Black River Bands, who signed the Treaties of 1805, 1807, 1817 and 1819 which formed the basis for the Tribal suits under the Indian Claims Commission Act of 1945. The United States recognition of the Saginaw Chippewa Indian Tribe of Michigan under the Indian Reorganization Act of 1934, made this Tribe the sole governing power under the Treaties. But in 1977 the Bureau of Indian Affairs, created in artifical group called the descendents and deals with that group as though it had similar legal standing to the Tribe.

3. The Indian Claims Commission Act of 1946, and the amendments thereto provided Indian tribes with an avenue to seek redress where the United States had failed to perform certain obligations under various Treaties. The Claims Commission only had jurisdiction over cases brought by a plaintiff which had an established existence. Yet after the Claims Commission case were adjudicated, the Bureau of Indian Affairs created another entity (descendents), and claims that this group with no legal standing has a declared right to share in Tribal Funds.

4. The most vital problem created by the Bureau in its efforts to payout the judgement funds, was the creation of a descendency roll which is suspect in its very creation. Essentially what the Bureau required was that an individual trace themself to an ancestor on the same role last century. What the Bureau did not do was to

figure on the fact that 100 years later many individuals do not qualify as Indians. Consequently almost anyone could declare themselves a descendent if they could trace their ancestry. What is worse, is, that the initial rolls depended upon last century were often flawed and sometimes fraudulent. Yet over 2000 individuals were recipients after tracing their decendency to these rolls. And the BIA would include them for shares in the remaining funds.

5. The Bureau of Indian Affairs has no established consistent pattern in recommending plans for distribution of judgement funds. Without some established policy, the Bureau is giving a great deal of descretion, which was never intended by Congress. The very idea of allowing the Bureau of Indian Affairs to create formulas for distribution is problematic, in that it allows the Bureau to interfere in Tribal government planning, and allows the Bureau to have a reason for creation of new jobs and to expand its bureaucratic hold on tribes. This would of course not be that big of a problem, if the Bureau of Indian Affairs was consistent in its preparation of distribution plans.

The real issue is whether Congress is willing to allow the Bureau of Indian Affairs to continue to have its proverbial thumb on this or any other Indian tribe similarly situated. For the Tribe to receive a mere 20% and to have the remaining money distributed per capita would be an immense waste of Tribal resources and in the long run would only benefit the Bureau of Indian Affairs. Whereas, a perpetual investment fund would provide a greater opportunity for all concerned and would indeed be of far greater benefit in the future of all, then a mere $1,500 check would today.

Being an advocate for the tribe of course means that I have a biased interest. But even with that, it has never made sense to me to distribute these moneys, when pooling for investment would be more practical and would be of greater benefit to these people who should be entitled to benefit thereby. The Bureau's alternative to S. 1106 is just another example of the bankrupt thinking that has continued to provide for so little for our American Indians.

In closing I would like to point out some errors that have been reported as facts during the pending of S. 1106:

1. That S. 1106 would exclude a substantial group of beneficiaries is a false statement, because no individual has a claim to or interest in a judgement, or other property belonging to an Indian tribe. Therefore, the only beneficiary is the Tribe.

2. The statement that there is no justification for removal of the funds from the protection of the Bureau of Indian Affairs is false, based upon the fact that the Tribe's original plan for use of these 20% of Docket number 57 was denied because the Bureau of Indian Affairs unilaterally decided that the Tribe's plan did not tell how the money was to be spent. When in fact the tribe wanted to invest it locally and use the income for programs very similar in nature to program usage setout in the investment fund now proposed in S. 1106. To leave the funds in Bureau control would simply subject the Tribe to further Bureau control.

3. That the Tribe has not presented a satisfactory plan to the BIA is completely false. The Tribe did in fact present one plan to the Bureau of Indian Affairs for use of Docket 57 money. This plan was for the purchase of 60 acres of land, to add to the reservation. It took fifteen months from the time that the plan was approved by the Tribe and forwarded it to the Bureau, before the $60,000 was provided. During that time the tribe had to reach into its own pocket to pay the $60,000 plus, $2163.21 in interest which accrued while the tribe awaited it's money. This apparently was overlooked by Mr. Carl Shaw, BIA Director of Public Affairs, when he told the press that the Saginaw Chippewa Tribe "had not presented a satisfactory plan for use of Docket 57 funds".

4. The investment plan is premature, is wrong. In fact the plan is well conceived and well thought out. The Tribe has access to financial consultants through First Nations and they will assist in the vital role of putting together various investment portfolios.

5. That the decendants have a right to share, is false. There is no established right of decendants to share in the money, the only precedent is that which was designed by the BIA under Docket 57.

6. That the Tribe has not compromised, is false. The Tribe has compromised to the point of providing for proposed changes in its Constitution, which would allow descendants of 1/4 blood or more to become members and to thereby share in any benefits that may be derived from the investments. This compromise is set out in Section 4 of the S. 1106.

7. That the Tribe cannot provide assistance to off reservation Indians is a creation of the very Bureau of Indian Affairs which chooses to make the descendants an element in their plan. Currently the tribe has income only from agricultural leases and it's bingo, all other programs are controlled by federal law and regulations. The Tribe has attempted to convince Indian Health Service, the Department of Agriculture and other agencies that it should be able to assist off reservation members. Each time the Tribe makes a request to provide off reservation assistance, the agency involved, responds to the effect that the funds can only be utilized for members residing on the reservation, or within some prescribed limits set by the agency or through its regulations.

8. That the Tribe has not helped people, is in many cases an outright lie. In fact I recently read an editorial in which an individuals declared herself opposed to S. 1106, because she had never received help from the tribe. While I know in fact that she has received assistance from the tribe and an amount three times greater than she would ever receive through judgement fund distribution. The Saginaw Chippewa Tribe has made great leaps and bounds to help its people, one only needs to have been on the reservation twenty years ago, to see what immense changes have been brought about by the Tribal Council for its people in two short decades.

In conclusion I would like to refer to the statements made by my distinguished colleague Mr. Karl Funke, in his presentation on S. 2823 on August 6, 1984. Mr. Funke's statement can be found in pages 114 through 120. I point this out because they provide us with a backdrop to view how resistant that the Bureau of Indian Affairs is to allowing Indian tribes to control their own destiny. And make no mistake this is what is at issue, the destiny of this Tribe. Thank you.

Mr. TAYLOR. Thank you.
Mr. Funke.

STATEMENT OF KARL FUNKE, KARL FUNKE & ASSOCIATES, WASHINGTON, DC

Mr. FUNKE. Good morning, Mr. Taylor, Mr. Richtman, Mr. Mahsetky.

I would just like to make a few points in rebuttal to some points that were made by the Bureau of Indian Affairs.

One of the reasons for opposing the legislation was that less than quarter-bloods would not participate in the benefits to be derived from the investment plan under this legislation. I would like to point out that the vast majority of distribution plans submitted by the BIA or enacted by congressional legislation don't provide for any descendancy participation, and virtually every tribe in the United States has a descendancy entity. Interior and BIA officials and members of this committee have previously stated on the record in other distribution legislative hearings that judgment funds are awarded to a tribe, not individuals, and descendants should not participate unless there is no current successor tribal entity.

BIA has stated to Congress in past hearings on judgment funds, and I quote:

> Generally, descendants of an aggrieved tribal group are found to be beneficiaries of a resulting judgment only when there is no federally-recognized tribe that can be recognized as a successor in interest to the aggrieved tribe. Whenever possible, the Department recommends to the Congress that the Indian Claims Commission awards be paid to tribal entities as they are constituted today rather than to distinct, historic entities.

In hearings in the Delaware Indian Judgment Fund legislation before this committee in 1980, then-chairman Senator Melcher stated:

> These judgments are to rectify earlier wrongs based on who was wronged and where they are now. A claim under the Indian Claims Commission Act is not an aggregation of individual claims, but a group claim on behalf of the tribe, band, or other identifiable group. This flows reasonably from the rule that tribal lands are communal property in which the members have no separate interest which can be passed to their descendants, which are no longer members of that group.

It would appear, then, that the award should be apportioned among the contemporary tribal entity as successors in interest to past entities. Tribes complain, however, that the Bureau of Indian Affairs deals with that money as if they were dealing with an estate in passing it out to its heirs. A careful review of the BIA practice suggests that this analysis is correct.

The U.S. Supreme Court, in 1976, in the case of *Delaware Tribal Business Community* v. *Weeks*, held that despite the distribution of judgment funds to descendant entities, a descendant entity of the Delaware Tribe, that Congress had the authority to enact legislation which excluded that descendant entity in future legislation.

The Court states, first:

> The Kansas-Delawares are not a recognized tribal entity but are simply individual Indians with no vested rights in any tribal property. Public Law 92-456 distributes tribal rather than individually-owned property. The funds were apportioned to pay an award redressing a breach of a treaty with a tribal entity, the Delaware nation. It was that tribal entity, represented jointly in the suit before the Indian Claims

Commission by the appellant Cherokee Delawares and the absentee Delawares, that suffered from the United States breach, and both the Commission award and the appropriation by Congress were the means of compensating that tribal entity for the wrong done to it. Indeed, the Indian Claims Commission is not empowered to hear individual claims, but may only adjudicate claims held by an Indian tribe, band, or other identifiable group. As tribal property, the appropriated funds were subject to the exercise by Congress of its traditional broad authority over the management and distribution of lands and property held by a recognized tribe, an authority drawn both explicitly and implicitly from the Constitution itself.

The Court added:

We cannot say that the decision of Congress to exclude the descendants of individual Delaware Indians who ended their tribal membership and took their proportionate share of tribal property, as constituted more than a century ago, and to distribute the appropriated funds only to members or persons closely affiliated with the Cherokee and absentee Delaware tribes, was not tied rationally to the fulfillment of Congress' unique obligation toward the Indians.

I just point out that the only consent entity involved in any of the dockets that have come down, involved in this legislation, were the Swan Creek and Black River Bands who made a treaty with the United States to dissolve their reservation in Michigan and move to Kansas. Only 62 of those people actually removed to Kansas to a reservation which had been set up for them by the United States. Subsequently, in 1897, there were only 45 of those members left and they elected to terminate their tribal relations and distribute the proceeds among themselves, exactly the same fact situation that was in existence with the *Delaware* case.

Mr. TAYLOR. Before you go on, could you identify that hearing record that you were reading from and the page references?

Mr. FUNKE. This is the hearing from last year on S. 2823 and the excerpts are from pages 118 and 119.

Mr. TAYLOR. Thank you.

Mr. FUNKE. I have looked at all of the judgment fund distribution plans that have been submitted by the BIA in the past 2 years. Out of those 19 plans, only three of them provide for any kind of descendancy distribution. None of those descendancy distributions provide for a ratio of splitting the money based on current-day population ratios. Virtually every one of those are based on historical population ratios. If you took the historical population ratio of the descendant group at the time of the taking of this land, there were only about 45 to 62 descendant members back at the time of the taking of this land, versus over 1,000 tribal members. And if you look at it from that perspective, the descendant group has already been overpaid by 96 percent. And there is no precedence and there has never been any distribution plan submitted by the Bureau to make a division based on current-day population ratios.

The Bureau also points out—makes the argument that the investment plan that the tribe has is too vague. I would like to point out that the Charles Stewart Mott Foundation, Carol Oman with the Chase Manhattan Bank, various investment firms are working with the tribe to develop a comprehensive investment plan.

I would like to point out the experience of the Penobscot and Passamaquoddy Tribes. They had no preset plan for the use of their $84 million, and it is ridiculous to try and set in concrete any kind of formal plan for an ongoing fund. Bank and investment houses make decisions on an hourly and daily basis as to where

they're going to be putting their money, and I don't think the tribe should be forced to bootstrap themselves into a long-range, fixed plan as to how they're going to be utilizing these funds. It doesn't make any sense in the investment world, and any banker or investment firm will tell you you're crazy if you lock yourself into a preset plan.

I would also like to point out a comparison of what we're looking at here if these funds are distributed on a per capita basis. I think there's a lot of personal greed on the part of the descendants for wanting to get their share of these funds. There is no overall—if the funds are distributed on a per capita basis, there is no overall gain for the tribe as a whole, and the past per capita payments really had no overall long-term gain for the individual members who received the per capita payments. If they are distributed per capita, there is no long-term economic development. There is no job creation. There is no ongoing education. There is no ongoing social program. There is no ongoing health program. There is no investment leveraging. There is no capital formation. And in comparison, if the tribe's plan is adopted through this legislation, it protects the interest of the tribe economically, socially, now and in the future. There are a myriad of economic and social programs and gains that could be accomplished from the investment plan. now and forever. It could provide a stable and ongoing economic and social infrastructure for the tribe and its tribal members. It would provide continuous income to the tribe and others who would be employed by the tribe through the economic and industrial ventures that could be generated by this legislation.

It would reduce Federal dependency, and it would enable the tribe to attract outside investment, just as the Passamaquoddy and Penobscot Tribes have been able to do at 10-to-1 and 20-to-1 ratios.

Another argument that's been made is that the descendants would not receive services from the tribe, and they point to the fact that they are not now currently receiving services form the tribe. And even if they were to become enrolled members of the tribe, they would not receive services. I'd like to point out that as nonmembers, currently nonmembers are not entitled to the Federal services that are provided under 638 contracts and other mechanisms through the tribe to its tribal members. Second of all, Federal restrictions often place "on or near" restrictions on eligibility for Federal services. That would not be the case for the programs and services that would be established pursuant to the investment fund. Those funds would not be subject to any Federal restrictions on "on or near."

Additionally, a number of people who have claimed—and have testified before this committee, saying that they have received no help from the tribe—have, in fact, received substantial help from the tribe.

Another problem has been that the tribe has a very small land base, and it has no economic infrastructure and not sufficient housing at the present time. I'd like to point also to the Passamaquoddy and Penobscot experience. Once they got their money, they started attracting industry onto their reservation and started constructing housing. About 96 percent of their members are now residing on their reservations, where they only had about 35 percent prior to

the land claim settlement up in Maine. And I think that the investment, and the job creation, and land acquisition, and housing that could be generated with the investment fund would likewise enable a lot of descendants and members back to the reservation where adequate housing and jobs could be provided.

That concludes my statement.

Mr. WILSON. I would like to provide an answer for you that the good Senator asked a few minutes ago, dealing with blood quantum. On March 6, 1985, I wrote a paper for the tribe, which I will supply with my testimony, and the title is "Descendancy Blood Quantum." I had the opportunity to review BIA certified rules for 3,243 descendants, and after reviewing those I determined that, at the most, there were 864 descendants who are quarter-blood or more. That means the other 2,379 individuals who took $9,658,740, or 57 percent of all the moneys that were available, were not qualified to be members of an Indian tribe in this country.

Mr. TAYLOR. Essentially, your figures correspond with the roughly 900 that the Department of Interior agreed to.

Mr. WILSON. Yes, sir.

[The paper referred to by Mr. Wilson follows:]

The Saginaw Chippewa Indian Tribe

7070 EAST BROADWAY MT. PLEASANT, MICHIGAN 48858 (517) 772-5700

March 6, 1985

Mr. Arnold J. Sowmick, Sr.
Tribal Chairman
Saginaw Chippewa Indian Tribe
7070 E. Broadway
Mt. Pleasant, MI 48858

RE: Descendancy Blood Quantum

Dear Mr. Sowmick:

The issue of blood quantum has been a troublesome one for quite some time, most American Indian tribes and federal programs require that an individual must be at least one quarter degree Indian blood in order to be a tribal member or eligible to receive federal moneys as an Indian. The Saginaw Chippewa Tribal constitution requires an individual to be at least one quarter degree Indian before that person can be a member of the tribe.

A review of the blood quantum of those 3,243 individuals who received a descendant's share of Docket 57 judgment funds reveals a shocking conclusion. As you know in 1983 the 3,243 individuals certified under the Docket 57 descendancy roll took a $13,168,617.12 share. What is shocking about this is that if the Bureau of Indian Affairs had been using the minimum one quarter degree blood quantum as a test for enrollment on the descendancy list, only 864 individuals could have qualified.

This means that 2,379 individuals took $9,658,740 (or 57%) of the $16,786,642.09 that was distributed under Docket 57, without being technically qualified to be Indian.

The idea and spirit of the Indian Claims Act was to indemnify American Indian tribes for certain depredations. Nowhere, by any stretch of the imagination is there any statement that the judgments would be distributed per capita, because the Claims Act was designed to hear and resolve Indian Claims, brought by Tribes.

To distribute the money to individuals who can only show that they are a descendant of some Indian who lived long ago; without showing that the individual now claiming is Indian, is a clear violation of the spirit of the Indian Claims Act and the purpose of the Indian Claims Commission. For the federal government to have distributed $9,658,740 without first qualifying these individuals as Indians is yet another act of depredation.

Now the government through the Bureau of Indian Affairs is advocating that Dockets 59, 13E and 13F be distributed in the same manner as Docket 57 was. This would allow another $4,550,000 to be distributed to non-Indian interests immediately. To allow the remaining money to be distributed per capita would be a shameful way to exhaust one of the remaining tribal resources. But to allow individuals who are not Indian to further share in tribal moneys would be analogous to the way that the bands originally lost their lands to non-Indians. Such an action is tantamount to the proverbial statement of "history repeating itself."

Respectfully yours,

Thomas L. Wilson
Tribal Attorney

TLW/ram

Mr. TAYLOR. I do have some questions here that I would like to ask, and I don't know which of the panel members may want to answer these.

We had a question with respect to the status of the proposed constitutional amendments. Obviously, this is in front of the Department of the Interior right now, and they are indicating a seemingly rather lengthy time period for review. Hopefully, they can expedite that. But Mr. Chamberlain, I think it was you that indicated that on April 18 the tribe requested a secretarial election on the constitutional amendments. I gather that that election has not been held, and will not be held until Interior has reviewed the constitutional amendments. Is that correct, so that that whole process is just in limbo?

[Mr. Chamberlain indicating affirmative response.]

Mr. TAYLOR. I would like to ask what consultation the tribe has undertaken with the descendancy groups or the off-reservation persons with regard to the proposed constitution. What kind of consultations or hearings have taken place?

Mr. WILSON. Last year, some of the tribal council members started to attend meetings. After several of the meetings were attended and they reported back, I advised, and I think rightly so, one, that the tribe was giving them some recognition as a legal entity and, two, every time they went to one of these meetings they were stacked against tribal council members. Tribal council members were insulted; there were racial slurs; they just didn't like going to them. So they——

Mr. TAYLOR. So there were, in fact, some meetings, apparently?

Mr. WILSON. Yes, sir; there were, I think, three meetings that were attended by various members of the tribal council. I think Ms. Moses attended one, and Ms. Call, who is not here, attended several of them. They were in the Saginaw-Breckenridge area, and it was a sounding board for attacks on the tribe.

Mr. TAYLOR. OK. So apparently there were some meetings, but they just never got any place?

Mr. WILSON. Yes, that's true.

Mr. TAYLOR. You had a proposed use plan for the 20 percent of the funds that were awarded to the tribal members under that docket 57 distribution. I would like, if you could, if you could outline what purposes, what program purposes the tribe proposed to make use of those funds with, and whatever happened to the tribe's proposal.

Mr. WILSON. Well, Mr. Taylor, that proposal remains the same that exists now in Ms. Moses' testimony. What happened there is actually what caused this whole onslaught. The tribe sent in its proposal; as a matter of fact, right after the distribution was made, in February 1983, saying that essentially this is how we want to program these funds. They set out those 10 investment plans that were on the list there, insurance through cemetery upkeep, and no response was received from the BIA. Finally, in August of that year, the tribal council asked: "Well, where is this?" And the BIA said: "Well, we never heard of it." It was lost. So it was resubmitted, and the BIA came to a Saginaw Chippewa Tribal Council meeting in August 1983 and said: "You can't do this." Basically, what they told the tribal council was: "You have to submit an in-depth

plan for each of these items and how you're going to spend the money." And what the tribal council said was: "What we want is $800,000 to take and invest it, and then use the income for these 10 areas." And the BIA said: "No, you can't do that."

Now, I know for a fact that it's been done. I know for a fact that there are plans that were far less than the Saginaw Chippewa's. I was provided with one as an example in 1981 to start this process by the Minneapolis area office. It was a 1-page affair, and the tribe got its money. The Saginaw Chippewa Tribe was not allowed to have the $700,000, and we probably wouldn't be here today if that hadn't started. At that point, being at odds with the BIA, the tribe looked at the other things that the BIA was going to present. They found out that the BIA was again going to present a prototype of the docket No. 57 plan to distribute the remaining three dockets, and therein the tribe started to prepare its legislation. So essentially the only money we ever got was $60,000 for 60 acres of land, and I might say it took them 15 months to get that money to the tribe from the day they asked for it.

Mr. TAYLOR. The remainder of the tribal proposal has never been approved by the Bureau; is that correct?

Mr. WILSON. Yes, sir; that is correct.

Mr. TAYLOR. OK. Could you briefly outline—or do you have a copy of that proposed plan that we could make a part of the record?

Mr. WILSON. Yes; it is in Ms. Moses' testimony.

Mr. TAYLOR. OK. So it is already in the record, then.

The reason I go into that prior plan is that I know that there were some proposals for benefits that don't stop at the reservation boundary line. The insurance is one; I think there were some provisions for education and some other benefits. And I think this is a concern to persons who are members right now of the tribe but living off the reservation, or persons who may become members under this constitutional amendment. The concern, essentially, is the extent to which services could be provided by the tribe through the income from the investment fund to persons who are not actually residing on the reservation. And I wonder if you could comment on what considerations have been given to the types of programs that might be developed and what benefits persons living off the reservation might reasonably expect.

Mr. WILSON. OK. I think probably that the programs that you're referring to that would directly benefit those living off the reservation would be health insurance program, assistance to the elderly, tribal education, tribal legal services—at the time, the only legal services that the tribe can provide is myself, and I cannot represent individuals—land acquisition, and burial and cemetery upkeep.

Now, the tribe has, through the First Nations, already met with people to discuss a health insurance program. There are already numerous programs that the tribe could borrow from for assistance to the elderly, whether they be BIA programs or IHS, there are a number of those. We have talked to the university about the possibility of tribal education. One of the suggestions made to us was, if you took $25,000 and went to GM, Ford Foundation or some other large corporation and said, "We've got this amount of money. We

want to start a trust fund for those children who are members of the Saginaw Chippewa Tribe for higher education," they inform me that they are sure that you could probably develop a large-scale trust fund through these corporations through matching grants. That was another point.

Legal services—we have a prepared plan based similar to that of Michigan Indian Legal Services that we could utilize.

Burial and upkeep would be simply looking at those people who could not afford to handle funeral expenses.

So those are the bases, I think, that would deal strictly with those people who are off-reservation as well, and I might add those benefits will be far greater than any individual could get today if they were distributed per capita.

Mr. TAYLOR. Well, I assume that the tribe's proposed use of these investment funds is not something that is fixed at this point, and in fact, it will probably be an ongoing process if this legislation goes through.

I guess the question I would have is the extent to which you would anticipate that persons living off the reservation, members living off the reservation would be participating in the formulation of proposed uses of income from the investment fund. It strikes me that if the constitutional amendment goes through, the nonresident members would, in fact, have some participation in formulating these plans. Would that be correct?

Mr. WILSON. That's correct.

Mr. FUNKE. Mr. Taylor, I would just like to point out that we have some additional resolutions which we'll be supplying for the record. There is a resolution from the Great Lakes Regional Tribal Assembly, which is composed of 30 tribes from Michigan, Wisconsin, Minnesota, and Iowa, all of whom have endorsed this legislation. There is a petition signed by members of the Saginaw Chippewa Tribe.[1] There is a resolution of support from the Isabella County Board of Commissioners. There are resolutions of support from the Sault Ste. Marie Chippewa Tribe, the Bay Mills Chippewa Tribe, the Lake Superior Band of Chippewa Indians (the Keweenaw Bay Indian Community), the Middle Michigan Development Corp., the city commissioners of the city of Mount Pleasant, the Saginaw Chippewa Indian Tribe of Michigan, and, as of yesterday, there was a resolution introduced by Senator John Engler, the Senate majority leader of the Michigan Legislature, a resolution urging support for early enactment by Congress of this legislation.

Mr. TAYLOR. Have these documents been made a part of the record?

Mr. FUNKE. We have made some of them part of the record; we will supply the rest of them following the close of the hearing.

Mr. TAYLOR. Thank you.

[The material referred to by Mr. Funke follows. Testimony resumes on p. 83.]

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[1] The petition referred to by Mr. Funke has been retained in the files of the committee.

WHEREAS, the elected Tribal Chairperson, or designated representative, of the following federally recognized Tribes:

Bay Mills Indian Community of Michigan
Keweenaw Bay Indian Community of Michigan
Sault Ste. Marie Chippewa Tribe
Saginaw Chippewa Indian Tribe
Grand Traverse Band of Ottawa and Chippewa
Hannahville Potawatomi Indian Community
Lac Vieux Desert Band of Chippewa
Fond du Lac Band of Chippewas
Grand Portage Band of Chippewas
Mille Lacs Band of Chippewas
Leech Lake Band of Chippewas
Nett Lake Band of Chippewas
Upper Sioux Tribe of Minnesota
Lower Sioux Tribe of Minnesota
Prairie Island Sioux Tribe
White Earth Band of Chippewas
Shakopee Mdewakanton Sioux Tribe
Red Lake Band of Chippewas
Bad River Band of Lake Superior Chippewa Indians
Red Cliff Band of Lake Superior Chippewa Indians
St. Croix Chippewa Community
Lac Courte Oreilles Band of Lake Superior Chippewa Indians
Lac du Flambeau Band of Lake Superior Chippewa Indians
Sokaogon (Mole Lake) Band of Chippewa
Forest County Potawatomi Community of Wisconsin
Menominee Indian Tribe of Wisconsin
Oneida Indian Tribe of Wisconsin
Stockbridge-Munsee Tribe of Mohican Indians
Winnebago Indian Tribe of Wisconsin
Sac and Fox Tribe of Iowa

constituting the Great Lakes Regional Tribal Assembly having met in Eau Claire, Wisconsin on the 14th and 15th of February 1985, and;

WHEREAS, the said Tribal Leaders discussed issues of mutual concern which addressed the common welfare, of the Indian people of the region, and

WHEREAS, having arrived at a common position on the questions considered do hereby resolve.

FEB 25 1985

ROLL CALL
GREAT LAKES REGIONAL TRIBAL ASSEMBLY
EAU CLAIRE, WI
FEBRUARY 14-15, 1985

IOWA:	
SAC AND FOX TRIBE OF IOWA	Louis Mitchell
MICHIGAN:	
BAY MILLS INDIAN COMMUNITY	Irma Parrish
HANNAHVILLE POTAWATOMI COMMUNITY	Henry Philemon
KEWEENAW BAY, L'ANSE RESERVATION	Myrtle Tolonen
SAGINAW CHIPPEWA INDIAN TRIBE	Arnold Sowmick
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA	Buddy Raphael
SAULT STE MARIE TRIBE OF CHIPPEWA	Joseph Lumsden
LAC VIEUX DESERT BAND OF CHIPPEWA	John McGeshick
MINNESOTA:	
FOND DU LAC BAND OF CHIPPEWA	William Houle
GRAND PORTAGE BAND OF CHIPPEWA	James Hendrickson
LEECH LAKE BAND OF CHIPPFWA	Hartley White

ROLL CALL (cont.)

MILLE LACS BAND OF CHIPPEWA	Arthur Gahbow
NETT LAKE (Bois Forte) BAND OF CHIPPEWA	~~Gary Donald~~
WHITE EARTH BAND OF CHIPPEWA	Darrell Wadena
RED LAKE BAND OF CHIPPEWA	Roger Jourdain
LOWER SIOUX TRIBE OF MINNESOTA	Michael Prescott
PRAIRIE ISLAND SIOUX TRIBE	Vine Wells
SHAKOPEE MDEWAKANTON SIOUX TRIBE	Leonard Prescott
UPPER SIOUX TRIBE OF MINNESOTA	Dean Blue

WISCONSIN:

BAD RIVER BAND OF CHIPPEWA	Joseph Corbine
FOREST COUNTY POTAWATOMI TRIBE	Ken George
LAC COURTE OREILLES BAND OF CHIPPEWA	Rick St.Germaine
LAC DU FLAMBEAU BAND OF CHIPPEWA	Michael Allen
MENOMINEE TRIBE OF INDIANS OF WISC.	Apesanahkwat

ROLL CALL (cont.)

MOLE LAKE SOKAOGON BAND OF CHIPPEWA	Arlyn Ackley
ONEIDA TRIBE OF INDIANS OF WISCONSIN	Purcell Powless
RED CLIFF BAND OF CHIPPEWA	Richard Gurnoe
ST CROIX BAND OF CHIPPEWA	Eugene Taylor
STOCKBRIDGE-MUNSEE TRIBE OF WISCONSIN	Leon Miller
WISCONSIN WINNEBAGO TRIBE	George Whitewing
[illegible]	[illegible]
Minnesota Chippewa Tribe	George V. Goodman
Great Lakes Inter-Tribal	[illegible]

GREAT LAKES REGIONAL TRIBAL ASSEMBLY

RESOLUTION 5

WHEREAS, the Saginaw Chippewa Tribe is a member of the Great Lakes Regional Tribal Assembly, and

WHEREAS, the Great Lakes Regional Tribal Assembly supports the concepts of government-to-government relationship with the federal government, and

WHEREAS, the Saginaw Chippewa Tribe has sought through legislation to establish a "Principal Investment Fund" to serve Tribal progress, and

WHEREAS, the Saginaw Chippewa Tribe has proposed legislation that will soon be introduced which will provide for the use of these land claims judgement funds for this expressed purpose,

THEREFORE BE IT RESOLVED, that the Great Lakes Regional Tribal Assembly supports the Saginaw Chippewa Tribe in their effort to obtain these judgement funds from Dockets 59, 13E and 13F for this expressed purpose.

I, Victoria A. Ackley, Recording Secretary do hereby certify that the following resolutions were duly presented and passed at a Regional Tribal Assembly, representing thirty (30) Indian Tribes located in the States of Wisconsin, Michigan, Minnesota and Iowa, held on February 14th and 15th, 1985, Eau Claire, Wisconsin.

Victoria A. Ackley
Assembly Recording Secretary

for William Wiedert Sr
Leonard Miller Jr.
Assembly Presiding Officer

OFFICE OF COUNTY ADMINISTRATOR
200 North Main, Mt. Pleasant, MI 48858
Phone 772-0911 Ext. 203

July 2, 1985

Saginaw-Chippewa Tribe
7070 E. Broadway
Mt. Pleasant, MI 48858

Dear Sir:

The Isabella County Board of Commissioners adopted the attached Resolution #85-18 by unanimous vote at their regular meeting held June 18, 1985.

Sincerely,

Randy Terronez
County Administrator

Good Luck!

RT/kw

RESOLUTION #85-18
ICBC

*** R E S O L U T I O N ***

WHEREAS, the Saginaw Judgement Fund Distribution Act legislation has been reintroduced in the First Session of the 99th congress, and

WHEREAS, Senate Bill S1106 is sponsored again by Senators Riegle and Levin of Michigan, and

WHEREAS, the proposed bill will provide for the Tribe to establish a "Principal Investment Fund", whereby 100 percent of the funds awarded to the tribe under Dockets 59, 13E and 13F will be made available for tribally determined investments and community economic development, and

WHEREAS, the Bureau of Indian Affairs have approved similar plans for other tribes, and

WHEREAS, it is the belief of this Board of County Commissioners, that this plan would be the most beneficial to the tribal members, in that it would provide for long range planning for the health, education and welfare of the entire tribe, and

WHEREAS, these final three settlements are the Saginaw-Chippewa Tribes last opportunities to become a self-reliant entity, and

WHEREAS, this opportunity should not be denied them,

NOW, THEREFORE, BE IT RESOLVED that the Isabella County Board of Commissioners do hereby endorse SB 1106.

kw:12

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS
206 GREENOUGH STREET
SAULT STE. MARIE, MICHIGAN
49783

BUSINESS
RESOLUTION 7-24-84

SUPPORT FOR SENATE BILL 2823 and
HOUSE OF REPRESENTATIVES BILL 5960

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians, is a federally recognized Indian Tribe organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (48 Stat. 378); and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians believes in the self-sufficiency of Indian Tribes; and

WHEREAS, the Saginaw Chippewa Indian Tribe seeks to develop its Tribal economy on a long range basis thru perpetual trust; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians has always endorsed such efforts.

THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians goes on record in support of Senate Bill 2823 and House of Representatives Bill 5960.

C E R T I F I C A T I O N

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 10 members, constituting a quorum, were present at a meeting thereof duly called, noticed, convened and held on the 24th day of July, 1984; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 9 members for, and 0 against, 1 abstaining; and that said resolution has not been rescinded or amended in any way.

Joseph K. Lumsden, Chairman
Sault Ste. Marie Tribe
of Chippewa Indians

Barbara Pine
Barbara Pine, Secretary
Sault Ste. Marie Tribe
of Chippewa Indians

RESOLUTION

Resolution No. 84-8-1

WHEREAS: The Bay Mills Indian Community is a duly recognized Indian Reservation under the Indian Reorganization Act of June 18, 1934, '48 stat. 984,' as amended by the Act of June 15, 1935,'49 stat. 378,' and

WHEREAS: The Saginaw Chippewa Indian Tribe of Michigan proposed through Resolution JA-01-84 a plan for distribution of Indian Claims Commission Dockets 59 and 13E, and Court of Claims Docket 13F, and

WHEREAS: Legislation has been drafted and submitted to Congress in Senate Bill 2823 and House of Representatives Bill 5960, and

WHEREAS: The Bay Mills Tribe believes that the efforts of the Saginaw Chippewa Tribe to develop a perpetual Trust Fund for their Claim moneys is in the true spirit of Indian self-determination,

AND NOW THEREFORE BE IT RESOLVED THAT, the Bay Mills Indian Community, Tribal Council supports the efforts and the intent of the Saginaw Chippewa Indian Tribe of Michigan as reflected in Senate Bill 2823 and House of Representatives Bill 5960.

APPROVED:

Wade I. Teeple, Tribal Chairman
Bay Mills Indian Community
Executive Council

ATTEST:

Corrine A. Cameron, Tribal Secretary
Bay Mills Indian Community
Executive Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community, Executive Council, do hereby certify that the above resolution was adopted and approved at a meeting of the Bay Mills Executive Council held in Bay Mills Michigan on the 1st day of August, 1984, with a vote of 3 for 0 opposed 1 abstaining and 1 absent. As per provisions of the Bay Mills Constitution the Tribal Chairman must abstain except in the event of a tie.

Corrine A. Cameron, Tribal Secretary
Bay Mills Indian Community
Executive Council

KEWEENAW BAY INDIAN COMMUNITY

1984
TRIBAL COUNCIL

MYRTLE TOLONEN - President
CHARLES LOONSFOOT - V. President
VIRGINIA JERMAC - Secretary
ROBERT CARLSON - Asst. Secy
GERALD EMERY - Treasurer
FREDERICK DAKOTA

KEWEENAW BAY TRIBAL CENTER
Baraga, Michigan 49908
Phone (906) 353-6623

MARY ANN KAUPPILA
ROSEMARY MAATAJA
HELENE C. WELSH
JAMES E. EMERY, SR.
JOAN M. DENIS
M. JAMES ST. ARNOLD

R E S O L U T I O N

WHEREAS, the Keweenaw Bay Indian Community is a duly recognized Indian Reservation under the Indian Reorganized Act of June 18, 1934, (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378, and

WHEREAS, the Saginaw Chippewa Indian Tribe of Michigan proposed through Resolution JA-01-84 a plan for distribution of Indian Claims Comission Dockets 59 and 13E, and Court of Claims Docket 13F; and

WHEREAS, Legislation has been drafted and submitted to Congress in Senate Bill 2823 and House of Representatives Bill 5960; and

WHEREAS, the Keweenaw Bay Indian Community believes that the efforts by the Saginaw Chippewa Tribe to develop a perpetual Trust Fund for their Claim moneys is in the true spirit of Indian Self-determination;

AND, NOW THEREFORE BE IT RESOLVED, that the Keweenaw Bay Tribal Council supports the efforts and the intent of the Saginaw Chippewa Indian Tribe of Michigan as reflected in Senate Bill 2823 and House of Representatives Bill 5960

C E R T I F I C A T I O N

The foregoing resolution was duly adopted by the Keweenaw Bay Tribal Council with a quorum present during a special session on the 1st day of August 1984, by a vote of 7 for 0 against, 0 abstaining.

Myrtle Tolonen

Myrtle Tolonen, Chairperson
Keweenaw Bay Tribal Council

LAKE SUPERIOR BAND OF CHIPPEWA INDIANS

Middle Michigan Development Corporation
106 N. Main Street, Suite B Mt. Pleasant, Michigan 48858 (517) 772-2858

JUL - 3 1985

July 3, 1985

Mr. Arnold Sowmick, Chief
Saginaw-Chippewa Indian Tribe, Inc.
7070 East Broadway
Mt. Pleasant, Michigan, 48858

Dear Chief Sowmick:

On behalf of the Middle Michigan Development Corporation and its Board of Directors, I would like to take this opportunity to offer our support and endorsement for Senate Bill 1106, to deliver the forthcoming funds of approximately $8 Million directly to the Tribal Council for their use in several different economic development efforts. This would be in lieu of a mass distribution of these funds to the descendants, as was previously the case. In our opinion, having had the opportunity to work closely with the Tribe and in reviewing your proposed uses of the funds, we feel the Tribe is in a much better position to utilize the funds, to the benefit of everyone. It is certainly the highest and best use of these funds.

As you know, Middle Michigan Development Corporation is a private, non-profit marketing organization, representing the unified efforts of several organizations within Isabella County. These include: the Isabella County Board of Commissioners, the City of Mt. Pleasant, the Industrial Development Corporation, the Isabella County Economic Development Corporation, Central Michigan University, and the Mt. Pleasant Area Chamber of Commerce, in addition to the Tribe, itself.

As I indicated, I have reviewed the plans and proposals for the Tribe's use of the funds, and am most impressed with the potential these efforts offer. It seems most apparent that the benefits will accrue not only for the Tribe, but for entire middle Michigan area.

As stated, Middle Michigan Development Corporation endorses the Tribe's efforts, and stands ready and willing to provide whatever assistance may be asked. In as much as our charge is to assist in the economic development of the entire Isabella County area, of which the Saginaw-Chippewa Tribe is an integral element, we are concerned that these funds may be diverted, offering little to secure the economic future of the Tribe.

Again, please let us know how we may be of assistance.

Sincerely,

George W. Dunn
Executive Director

GWD/tlb

cc. Mr. Steve Rudoni, Chairman
Isabella County Board of Commissioners

The Honorable Sybil Ellis, Mayor
City of Mt. Pleasant

Mr. Larry Johns, President
Mt. Pleasant Industrial Development Corporation

Mr. Arthur Ellis, President
Central Michigan University

Mr. Kirk Dafoe, President
Mt. Pleasant Area Chamber of Commerce

The Honorable William Schuette, Representative
Congress, 10th District

The Honorable Donald W. Riegle, Jr.
United States Senate

The Honorable Carl Levin
United States Senate

R E S O L U T I O N

The following resolution was offered by Commissioner Breckon and supported by Commissioner Doyle:

WHEREAS, SB 1106 recently introduced into the U. S. Senate will allow the Saginaw Chippewa Indian Tribe to establish a "Principal Investment Fund", whereby 100 percent of the funds awarded to the Tribe under Dockets 59, 13E and 13F will be made available for tribally determined investments and community economic development, and

WHEREAS, The Bureau Of Indian Affairs, while refusing to support this plan, has supported similar plans for other tribes, and

WHEREAS, These final three settlements are the Saginaw Chippewa Tribe's last opportunities to become a self-reliant entity, and

WHEREAS, This opportunity should not be denied them,

NOW, THEREFORE, BE IT RESOLVED, That the City Commission of Mt. Pleasant does hereby endorse SB 1106 and urge Senators Riegle and Levin to support this legislation and Congressman Schuette to support similar legislation in the U. S. House of Representatives.

I, Charles A. Deibel, Clerk of the City of Mt. Pleasant, Michigan, hereby certify that the above is a true and correct copy of a Resolution adopted by the Mt. Pleasant City Commission at a regular meeting held on the 17th day of June, 1985.

In Witness Whereof, I hereunto set my hand and the Great Seal of the City of Mt. Pleasant, Michigan, this 18th day of June, 1985.

Charles A. Deibel
City Clerk

MARK ANDREWS, CHAIRMAN
SENATE SELECT ON INDIAN AFFAIRS
U.S. SENATE F 1106
WASHINGTON, D.C. 20510

STATEMENT OF LORNA KAHGEGAB CALL, TRIBAL MEMBER, SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN, BEFORE THE SELECT COMMISSION ON INDIAN AFFAIRS, U.S. SENATE F 1106. A BILL "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED AND SATISFACTION OF JUDGEMENT AWARDED TO THE SAGINAW CHIPPEWA INDIAN TRIBE IN DOCKETS NUMBERED 59 and 13E BEFORE THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F BEFORE THE U.S. CLAIMS COURT AND FOR OTHER PURPOSES".

JULY 10, 1985

MR. CHAIRMAN AND HONORABLE MEMBERS OF THE COMMITTEE:

I am Lorna Kahgegab Call, member of the Saginaw Chippewa Indian Tribe of Mt. Pleasant, Michigan. I have served on the Tribal Council since 1976.

I would like to state my support of the proposed legislation which would enable our Tribe to become more self-sufficient and would enable us to establish a sound economy to meet the needs of our people regarding housing, health benefits, the education and higher education of our children, and other priority needs as determined by the Tribe to provide access to the best opportunities for on-going, meaningful employment.

We know that these are the final judgement awards our people will receive to settle our land claims issue. It is the final act of compensation for the loss of our lands some 150 years ago. We must have the principle investment fund. Without it the trust relationship is destroyed.

Our Tribal government is not able to show our full capacity in meeting the needs of our tribal members because we do not have the resources to give us a "free hand" with the administrative powers our people and Congress have delegated to us through our Constitution and By-Laws. We are always tied by the restrictions of the federal and other grants we receive. Many of our people do not realize our frustration when needs are evident and recourse to address them is available.

All four of my children were born off the reservation and when we returned home, we had to have them adopted, for them to become recognized tribal members. Although my children did not have any problems in being adopted into the Tribe by the eligible tribal voters, I am sensitive to the problems encountered by some of the eligible Tribal descendents due to the misunderstanding of some of our voters in the past. Much has been done to clear up the problems involved. We did address this problem several years ago when we initially worked on revising our Tribal Constitution.

SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN
STATEMENT
LORNA KAHGEGAB CALL
Continued..

I do appreciate the feelings of the descendents, in believing they have an individual right to share in these Dockets, however, the land claims settlement was not pursued on behalf of individuals; it was a Tribal suit. With the distribution of Docket 57 funds in January of 1983, tribal members gave up 20% of their share to the Tribal government which was, in a sense, put in Trust for our future generations, while the descendents received 100%, which was approximately two-thirds of the distribution.

Recognizing our need and wishes to update our Tribal Constitution, provisions are included for eligible descendents, should they become members, to share in all Tribal benefits of which the present tribal members are willing to share by their contribution from Docket 57.

Our Tribally operated and governed enterprises do work, and others can work as well, as long as we are the people who give the ultimate direction. We know we can manage our businesses appropriately and we do have sound fiscal management.

I truely hope that your Committee will see our plight and give us your confidence. We need to insure those provisions that our members and our future generations require to grow independent so that we will not continue to live as second class citizens.

Our Tribe needs to be in a position to act on our responsibilities, to implement those programs which would meet the social and economic needs of our people.

I wish to thank you for your every consideration in seeing this proposal with our point of view. Op che go me gwetch! (Thanking you very much.)

Respectfully submitted,

Lorna Kahgegab Call

(From the 1985 Journal of the Senate, No. 69, July 10, 1985)

Motions and Resolutions

Senator Engler offered the following concurrent resolution:

Senate Concurrent Resolution No. 329.

A concurrent resolution urging the United States Congress to pass S. 1106, which would establish the Principal Investment Fund for the Saginaw Chippewa Indian Tribe of Michigan.

Whereas, The Saginaw Chippewa Tribe of Michigan was awarded a settlement by the United States Claims Court and the Indian Claims Commission in 1973. A major portion of this settlement was distributed to the Indians of the Saginaw Chippewa Tribe on a per-capita basis in early 1983. However, another portion of this settlement is presently being held in trust by the United States Secretary of the Interior, awaiting a feasible plan of distribution; and

Whereas, Legislation currently before the United States Congress addresses this situation. This bill, S. 1106, suggests that the remaining money be incorporated into a Principal Investment Fund to be held in trust by the Saginaw Chippewa Indian Council of Michigan. This fund would be used exclusively for investments and economic development beneficial to the Saginaw Chippewa Indian Tribe of Michigan; and

Whereas, The forming of a Principal Investment Fund would not only have a positive economic impact upon the central Michigan area where the Saginaw Chippewa Indians reside, but it is also considered to be a more efficient and long-lasting means of distributing these funds. Another per-capita dispersion would have only a short-term, quick-fix effect; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the members of the Michigan Legislature respectfully request that members of the United States Congress pass S. 1106, which would provide for a Principal Investment Fund for the distribution of settlement funds to the Saginaw Chippewa Indian Tribe of Michigan; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the members of the Michigan congressional delegation.

Pending the order that, under rule 3.6, the concurrent resolution be referred to the Committee on Rules,

Senator Arthurhultz moved that the rule be suspended.

The motion prevailed, a majority of the Senators serving having voted therefor.

The concurrent resolution was adopted.

Senators Pollack, Conroy, Kelly and Binsfeld were named co-sponsors of the concurrent resolution.

Mr. TAYLOR. Max Richtman, the minority staff director, has some additional questions he would like to ask.

Mr. RICHTMAN. Mr. Funke, section 8(a) directs the Secretary to transfer any portion of undistributed funds from docket No. 57. What is the amount of that now?

Mr. FUNKE. I would have to guess. It changes on a monthly basis, but it is probably over $800,000 at this point.

Mr. RICHTMAN. I would like to ask Mr. Chamberlain to elaborate on the proposed amendment and how people could petition to become members of the tribe. What is that process?

Mr. WILSON. I am sorry; I didn't catch that.

Mr. RICHTMAN. What is the process in this for petitioning to become a member of the tribe?

Mr. WILSON. Well, the current process is now rescinded. It was an adoption ordinance. In 1982, we discovered that there were a number of people who, for some reason in the 1940's, had not been properly placed on the rolls; and the only way that could be done was by rescinding the present adoption ordinance so that those—I think there was over 100—people could be placed on the rolls. It was an adoption process, and I might add that the tribal council members who are here will attest to that. It was problematic in getting people in to become members.

Under the new provisions, it would have an open door effect. Those people who are descendants and at least quarter-blood and who apply within 18 months and who can show their descendancy and show that they are quarter-blood could become members without any hand-raising and saying, "This person becomes a member." And so I think it would be an automatic process, once they were able to show that and could prove it.

The present system, as it now stands, would allow you to become a member if you were a child of at least one-quarter degree blood born on the Saginaw Chippewa Reservation. That's the only way you can become a member automatically, and it's very restrictive.

Mr. RICHTMAN. So this proposal would broaden that?

Mr. WILSON. It certainly would.

Mr. RICHTMAN. And when you say one-quarter blood, are you talking about one-quarter Saginaw Chippewa? By one-quarter combination of another Chippewa?

Mr. FUNKE. There is no restriction in the constitution limiting it specifically to Saginaw Chippewa. In fact, the Saginaw Chippewa Tribe is a successor entity of the Swan Creek, Black River, and Saginaw Chippewa Tribes.

Mr. RICHTMAN. What about someone who would be three-eighths Saginaw Chippewa and one-eighth Sioux?

Mr. FUNKE. That is correct.

Mr. RICHTMAN. That person could, under the constitution—they just have to be a descendant by blood, and at least a quarter Indian? OK.

One other question on the provision in the bill, section 3, "The principal of the investment fund shall be used for, (a), investments, including loans to enrolled members of the tribe." Has any plan been developed as to criteria or standards or interest rates for these kinds of loans?

Mr. WILSON. The tribe has a standing revolving loan process already set up. It has had it for several years. It is limited to *x* amount you can borrow, and to be paid back over a period of time, so it already has a process.

Mr. RICHTMAN. What's the interest rate?

Mr. WILSON. Five percent.

Mr. RICHTMAN. OK. Thank you.

Mr. TAYLOR. I don't have any further questions, so I thank the panel very much for your comments.

[Submitted for inclusion in the record: a statement of Ben Quigno, a deceased tribal member of the Saginaw Chippewa Indian Tribe:]

The Saginaw Chippewa Indian Tribe

7070 E. BROADWAY MT. PLEASANT, MICHIGAN 48858 (517) 772-5700

STATEMENT OF BEN QUIGNO, DECEASED TRIBAL MEMBER - SAGINAW CHIPPEWA INDIAN TRIBE OF MICHIGAN, BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS, UNITED STATES SENATE, S. 1106, A BILL "TO PROVIDE FOR THE USE AND DISTRIBUTION OF FUNDS APPROPRIATED IN SATISFACTION OF JUDGMENTS AWARDED TO THE SAGINAW CHIPPEWA INDIAN TRIBE IN DOCKETS NUMBERED 59 AND 13E BEFORE THE INDIAN CLAIMS COMMISSION AND DOCKET NUMBERED 13F BEFORE THE UNITED STATES CLAIMS COURT AND FOR OTHER PURPOSES".

July 10, 1985

Mr. Chairman and distinguished members of this Committee, I present views concerning S. 1106, the "Saginaw Tribe's Distribution of Judgment Funds Act".

Passage of this legislation will enable our tribe to accomplish its mission - "Conserve and develop our common resources". We could at last begin to establish a tribal economy and improve the quality of life on our reservation.

SELF-DETERMINATION

In an American Indian Policy Statement, the Reagan Administration declared it is "committed to helping tribes eliminate obstacles to Tribal self-government and the creation of a favorable environment for the development of viable reservation economies".

Two overriding factors stand in our Tribe's way to progress and self-determination - low educational achievement and high unemployment. The education levels our reservation children attain is a tragedy. No matter their abilities and high potential, the school system is unable to do its job - meet their educational need, 75% drop out of school. They come to adulthood ill-prepared to claim their birthright - career-making and parenthood.

This is an illogical consequence, but that is life on our reservation. This is conditioned by a 60% unemployment rate, 700% higher than the nation's average of 7.1%. Also, the local job market is very limited. It is strong in government and weak in industry. To make matters worse, it reflects a tendency towards exclusivity. At one time there was "an Indian wage and a whiteman's wage". By no stretch of the imagination can we expect that local employers will extend themselves to hire our hard-core unemployed. This has been part of our history since treaty times.

If this situation is not corrected, more than half of our employables will be programmed to needlessly spending lifetimes in depressed conditions. They will enter the job market only when the Tribe succeeds in creating a reservation based economy. To achieve this objective, the Tribe

providing joint ventures and employing the feasibilities of establishing culturally oriented tourism projects.

That is one of many reasons our Tribe is using its sovereign powers in requesting this distribution legislation - that it fulfill its mission and work for the well-being of our members.

The 1980's is a time when opportunities are greatest. The Tribe's investment fund is a renewable resource which could help us become self-sufficient and it comes at a most fortuitous time.

THE BIA'S DISTRIBUTION PLAN

The agency that abandoned its trustee role and stood by while 99% of our reservation was passing out of our ownership now proposes to introduce legislation that will not only take away our Tribe's last and best opportunity to become self-sufficient, but insure our continued dependency and limit our capacity to work towards self-determination. Historically, the BIA has largely by-passed Michigan tribes in programs and services in favor of the larger tribes. My feeling is that the BIA plan is counter-productive, we will be worse off because there was an opportunity for us to reduce our dependency state, but we could not take such advantage. History appears about to repeat itself. The BIA should work for, not against us. According to the code of federal regulations, whenever possible the Department (Interior) recommends to the Congress that ICC awards be paid to tribal entitlies as they are constituted today, rather than to an historic entity.

A MEMORIAL

In remembrance of our forebearers whose recompense for lands relinquished was heartbreak and anguish - anguish when the government told them we need your lands, you are going to have to move.

In remembrance of our ancestors, who guided their lives by the finest of all principles - the cultural values of caring, sharing, and always the concern for their children, in remembrance of our forefathers who might say to us, "now that you are about to decide what to do about recompense for our privation, think not about yourselves, put away the compelling urges to indulge your desires by buying things that will disappear like fog before the morning sun, or a summer shower that wets but does not water. Do your best for your children, and your children's children, for that is the way we lived, and it was a good way".

In remembrance of our forefathers - we ask our government that the "Principal Investment Fund" be held in trust by the Tribal Council as a Memorial in perpetuity, as long as the grass grows green and rivers flow. Megwetch.

Mr. TAYLOR. We will now hear from the descendancy group and members of the tribe who reside off the reservation.

We have the witness list divided into two additional panels, and perhaps we should proceed that way, so we will hear from Victoria Miller, accompanied by Paul Johnson, Leonard Isaac, and Elizabeth Pamp.

Ms. Miller, why don't you take charge, please?

Ms. MILLER. I would like Paul Johnson to start, please.

Mr. TAYLOR. Please proceed.

STATEMENT OF PAUL JOHNSON, CHAIR, SAGINAW DESCENDANCY GROUP, LANSING, MI

Mr. JOHNSON. Good morning, Mr. Chairman, members of the committee and staff. I am Paul Johnson, chairperson of the Saginaw, Swan Creek, Black River Ojibways, the descendancy committee. For your information, I am five-eighths Saginaw Ojibway with the remaining blood quantum coming from the Grand River Band of Ottawas. I am not a member of the incorporated group which is called the Saginaw Chippewa Tribe.

As chairperson of the descendancy committee, I am here to voice our opposition to S. 1106. On August 29, 1984, at the Saginaw meeting that Mr. Wilson referred to, the descendancy committee was formed for the purpose of soliciting input from descendants and some enrolled tribal members who live off reservation regarding House bill 5960. Although this bill was never brought out of committee during the last session of Congress, we have continued to solicit input from descendants regarding the judgment distribution plan.

Our opposition to S. 1106 is based upon input we received from 572 persons—and attached to my testimony there is a listing of people who attended our meetings with their names, addresses, degrees of blood—or 17.6 percent of the "descendants" who received payments from docket No. 57, or 13 percent of "all" persons, including tribal members, who received monies from docket No. 57 and attended our nine public meetings during the past 8 months. For your information, there were 3,243 descendants who participated in docket No. 57 award of which 1,984 were one-eighth or less blood quantum and 1,259 who are one-quarter or more of blood, so we feel our percentages are significant.

Further, 60 percent or 343 of those attending our meetings identified themselves as having one-quarter or more degree of blood. The remaining 229 were less than one-eighth degree of blood or did not identify their blood quantum on our sign-in sheets. Attachment B identifies the ones, under "blood quantum," as X's.

A common agenda item, which is also attached, was established for all our meetings. It was the feeling of the committee that the major issues which we needed input on were, one, the blood quantum for participation in the distribution plan; payment plan options, either per capital or investment; and last, the question of tribal membership.

As a result of our hearings, which as I indicated represents at least 13 percent of all persons paid under docket No. 57, the following positions are taken.

Our committee believes that the blood quantum for participation in the distribution of docket Nos. 59, 13E, and 13F should be at least one-quarter blood or more.

Second, that the payment plan options should be per capita for descendants, and if the tribe wishes to establish an investment fund with their share, they should be allowed to.

Third, the question of tribal membership should be an individual decision; but for the purposes of distributing docket Nos. 59, 13E, and 13F, tribal membership should not be considered as a requisite for participating in the plan.

Our direct opposition is tied directly to our nine public meetings. As I said before, they are attached with the dates they were held. The bill as written now is totally one sided and offers no source of help for those persons who are not corporate members. Judgment funds awarded as a result of docket Nos. 59, 13E, and 13F were not based upon a group formed under the 1934 Reorganization Act but rather awarded to the descendants of the Saginaw, Swan Creek, and Black River Chippewa. Enrolled members, which support S. 1106, are not in the majority. Using figures from docket No. 57 and our committee's current position, the descendants number 1,259 to 891 tribal members. How can you think a small group would as a much larger group to join their ranks with the potential to lose power.

This brings me to the section titled "Tribal Constitution," section 4, and the reference to Resolution L&O-03-85, approved by the tribal council on April 15, 1985. In reviewing this resolution, which I have attached to my report, I find nothing to indicate that it would impact upon the 1,259 one quarter blood or more persons our committee represents. Basically, it is asking the Bureau of Indian Affairs to allow them to amend the constitution. It makes no reference to any type of inclusion of one quarter blood or more persons, or the possibility of becoming members of that tribe.

If they are planning to change their constitution——

Mr. TAYLOR. Mr. Johnson, have you reviewed the tribal constitutional proposals?

Mr. JOHNSON. We have not been supplied any tribal constitutional proposals. We have met with them twice, once in Saginaw—which I agree with Mr. Wilson on his assessment of how that meeting progressed; as a result, we formed this committee. We met again in Representative Albosta's office in Midland, at that time we discussed our concerns. The resolution of that meeting was that the tribe—and after we had done our meetings—would meet. At that time, they have never called my office or me to request such a meeting. As Mr. Wilson has said, "Why should they?" We have not been supplied any of that information because we are not corporate members.

Mr. TAYLOR. I would just like to point out to you that a copy of the proposed constitutional amendments has been made a part of this record.

Mr. JOHNSON. That is fine.

Mr. TAYLOR. At least it is available.

Mr. JOHNSON. But it does not say that in the bill, though. The bill only makes a reference to resolution L&O, and if you review

L&O, all it asks is to have the constitution amended. It does not say what those amendments will be.

If they are planning to change the constitution to include us, why rush into a plan? Is the tribal council afraid their members would not approve the changes, but their motive—that being to take all the money—would have been accomplished, leaving the descendants with nothing again? Further, it is my understanding that there is a growing number of enrolled members who are opposed to this bill, as well as bringing in more tribal members. Any talk of establishing an investment fund is extremely premature.

As I stated earlier, our committee is opposed to the investment fund proposed in S. 1106. Certainly, as nonenrolled members we would not have any access to this fund. I question the tribal council's ability to manage such a large sum of money. It is my understanding that the set-aside moneys from docket No. 57 still remain with the Bureau of Indian Affairs because the tribe has failed to develop a plan which would "mutually benefit all tribal members." It seems strange that a group of people who have $600,000-plus waiting would not be vigorously developing an economic or investment plan. What's been going on for the past year and a half?

Another major concern is section 7, which would allow the tribe to use the investment fund as security for indebtedness. Other concerns are that the investment fund would be controlled by the tribal council. Without membership in the tribe and adequate representation on the tribal council, how can we impact upon the investment decisions made with the income derived from the fund?

After closer examination of the complex issues you can easily see how this bill would be viewed as a "get rich quick" scheme for a group whose past history indicates they only wish to service their small group. It is with this in mind that the Saginaw, Swan Creek, Black River Chippewa descendants urge you not to act upon this bill but to urge the Saginaw Chippewa Tribal Council to meet with our group to discuss our differences. We are committed to discussing the issues and developing equitable alternatives for those concerned.

You will note in some of the earlier discussions, too, about the degree of blood. The figures that I quoted you came from the enrollment officer of the Michigan agency. I'm sure that Mr. Wilson could also get the same figures, or any of the tribal members. In any event, you have a total of 4,134 that took part in docket No. 57 less the one-eighth of 1,984 gives you 2,050, less the 891 tribal members, you have 1,259 people who are more than one quarter degree of blood. Those figures can be verified by the enrollment officer at the Michigan agency in Sault Ste. Marie. Would tribal members give the balance of power to descendants? I think not.

On the question of a successor group—it is our belief that in the award captions for docket Nos. 59, 13E, 13F, was awarded to Saginaw Chippewa, et al.—originally, the award was captioned, "James Strong, et al., on behalf of all members by blood of the Chippewa Tribe of Indians"—not Saginaw Chippewa, but Chippewa Tribe of Indians.

Second, the question of the *Delaware Business Committee* v. *Weeks*. I am not an attorney; I've just done a brief review of that particular case. It's my understanding that that descendants group

did sell off and did terminate themselves. As descendants, we have never had the opportunity to terminate. We were given nothing but the option of moving to a reservation in Isabella County, which was not our ancestral home, in order to become part of a corporate group. So I don't think that *Delaware Business Committee* v. *Weeks* could be upheld against our group because we were never part of an organized tribal group or corporate entity.

In addition to the meetings in Saginaw and Midland, I had made gestures to Arnold Sowmick and to Ms. Ruth Moses on a number of occasions that we would like to sit down and talk. They said they would, but at this point we have never had the opportunity to sit down or have they taken the opportunity to talk to me about what our positions would be.

With that, I wish to thank you for your genuine concern about this matter and hope that you will continue to be of assistance to both groups. This concludes my prepared statement; I would be happy to answer any question the committee may have.

[Mr. Johnson's prepared statement, with attachments, follows. Text resumes on p. 108.]

PREPARED STATEMENT OF PAUL JOHNSON

Hearings before the Senate Select Committee on Indian Affairs concerning S.1106 The Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act.

Good morning Mr. Chairman, members of the committee and staff. I am Paul Johnson, Chairperson of the Saginaw, Swan Creek and Black River Descendants Committee. For your information I am 5/8 Saginaw Ojibway with the remaining blood quantum coming from the Grand River Band of Ottawas Indians. I am not a member of the incorporated group called the Saginaw Chippewa Tribe of Michigan.

As Chairperson of the Descendants Committee I am here to voice our opposition to S.1106.

On August 29, 1984 the Descendants Committee was formed for the purpose of soliciting input from descendants and some enrolled tribal members who live off-reservation regarding House Bill 5960. Although this bill was never brought out of committee during the last session of congress we have continued to solicit input from descendants regarding the judgment distribution plan.

Our opposition to S.1106 is based upon the input we received from 572 (see Attachment A) persons, or 17.6% of the descendants who received payments from Docket 57, or 13% of all those persons who received monies from Docket 57 who attended 9 public meetings during the past 8 months. For your information there were 3,243 descendants who participated in the Docket 57 award of which 1,984 were 1/8 or less in blood quantum and 1,259 who are 1/4 or more degree of blood. In any event we feel that our percentages are very significant.

Further, 60% or 343 of those attending our meetings identified themselves as having 1/4 or more degree blood. The remaining 229 were less than 1/8 degree of blood or did not identify their blood quantum on our "sign in" sheets.

A common agenda (see attachment B) was established for all of our meetings. It was the feeling of the committee that the major issues which we would need input were:

1) Blood Quantum for participation in Distribution Plan,
2) Payment Plan Options, either Per Capita or Investment, and lastly
3) The question of Tribal Membership.

As a result of our hearings, which as I indicated represents at least 13% of those paid under Docket 57, the following positions are taken. Our committee believes that the Blood Quantum for participation in the distribution of Docket 59, 13E and 13F should be at least 1/4 blood or more. Secondly, that the payment plan options should be per capita for descendants, and if the Tribe wishes to establish an "Investment Fund" with their share then they should be allowed. Thirdly, the question of Tribal membership should be an individual decision but for the purposes of distributing 59, 13E and 13F Tribal Membership should not be considered as a requisite for participating in the plan.

Our direct opposition to S.1106 is tied directly to our 9 public meetings. (see attachment C) The bill as written now is totally one-sided and offers no source of help for those persons who are not corporate members. Judgment funds awarded as a result of Dockets 59, 13E and 13F were not based upon a group formed under the 1934 Reorganization Act, but rather awarded to the descendants of the Saginaw, Swan Creek and Black River Bands of Chippewa. Enrolled members, which support S.1106 are not in the majority. Using figures from Docket 57 and our committees current position the descendants number 1,259 to 891 Tribal members.

This brings me to the section titled Tribal Constitution (Sec 4) and the reference to resolution L and O 3-85 approved by the Tribal Council on April 15, 1985. In reviewing this resolution (see attachment D) I find nothing to indicate it would impact upon the 1,259 1/4 blood or more persons our committee represents. If they are planning to change their Constitution to include us why rush into a plan. Is the Tribal Council afraid their members would not approve changes but their motive, that being to take all the money would have been accomplished leaving the descendants with nothing again. Further it is my understanding that there is growing numbers of enrolled members who are opposed to this bill, as well as bringing in more Tribal Members. Any talk of establishing an "Investment Fund" are extremely premature.

As I stated earlier our committee is opposed to the "Investment Fund" proposed in S.1106. Certainly as non-enrolled members we would not have any access to this fund. I question the Tribal Councils ability to manage such a large sum of money. It is my understanding that the set aside monies from Docket 57 still remain with the BIA because the tribe has failed to develop a plan which would "mutually benefit all tribal members." It seems strange that a group of people who have $600,000.00 plus dollars waiting would not be vigorously developing an economic or investment plan. What's been going on for the past 1 1/2 years? Another major concern is Section 7 which would allow the Tribe to use the "Investment Fund" as security for indebtedness. Other concerns are that the "Investment Fund" would be controlled by the Tribal Council. Without membership in the tribe and adequate representation, how can we have impact upon the investment decisions made with the income derived from the fund?

After closer examination of this complex issue you can easily see how your bill could be viewed as a "get rich quick scheme" for a group whose past history indicates they only wish to service their small group. It is with this in mind that the Saginaw, Swan Creek, Black River Chippewa Descendants Committee urges you not to act upon this bill but urge the Saginaw Chippewa Tribal Council to meet with our group to work out our differences. We are committed to discussing the issues and developing equitable alternatives for those concerned.

I wish to "Thank - You" for your genuine concern about this matter and hope that you will continue to be of assistance to both groups. This concludes my prepared statement. I would be happy to answer any questions the committee may have.

ATTACHMENT A

DOCKET 59,13E,AND13F HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	EL. DEG.	MTG. SITE	RCD
ALBEE, BETH		MIDLAND	MI		1/4	MIDLAND	80
ALBEE, R. K.	564 N. HOMER RD.	MIDLAND	MI	48640	x	MIDLAND	106
ALBEE, JACQULYN	621 WHITETHORN DR.	MIDLAND	MI	48640	x	MIDLAND	99
ALBERTS AMY FAITH	6929 W CURTIS RD	HALE,	MI	48739	x	OSCODA	225
ALBERTS, WILLIAM D.	1891 INDIAN LANE RD.	MIKADO	MI		x	OSCODA	228
ALBERTS, WILMER	2530 THIRD	DETROIT,	MI	48201	X	PORT HURON	313
ALBERTS, BEATRICE	1891 INDIAN LANE RD.	MIKADO	MI		x	OSCODA	227
ALBERTS, JOHN	1891 INDIAN LANE RD.	MIKADO	MI		x	OSCODA	230
ALBERTS, WILMER	1891 INDIAN LANE RD.	MIKADO	MI		x	OSCODA	229
ALEXANDER, TONIA		OSCODA	MI	48750	1/4	OSCODA	159
ALLEN, ALETHA C.	1095 W. CHIPPEWA RD.	MIDLAND	MI	48640	x	MIDLAND	114
ARMSTRONG PATTIE	1183 CHIPPEWA	MIDLAND	MI	48640	1/4	SAGINAW	16
AUSTIN, LINDA	204 S. FOSTER	LANSING	MI	48912	x	LANSING	147
AVERY, ADAM	8565 SMITH RD.	PERRINGTON,	MI		1/4	SHEPERD	284
AVERY, EVE	8565 SMITH RD.	PERRINGTON,	MI		1/4	SHEPERD	285
AVERY, LINDA	8565 SMITH RD.	PERRINGTON,	MI		1/2	SHEPERD	275
AVERY, CHAD	8565 SMITH RD.	POVINGTON,	MI	48871	X	SHEPERD	269
AYLING, EITA		LANSING	MI		1/2	LANSING	124
BEASSE, MABLE	GATEWAY APARTMENTS #	CLARE	MI	48617	x	MIDLAND	111
BENNETT JEAN	2112 EMERICK	SAGINAW	MI		1/2	SAGINAW	15
BENNETT KAREN	2265 S. MICHIGAN	SAGINAW	MI		1/2	SAGINAW	14
BENNETT JUDY	2112 EMERICK	SAGINAW	MI		1/2	SAGINAW	13
BENNETT LYMAN F.	4055 W. MICHIGAN	SAGINAW	MI	48603	4/4	SAGINAW	59
BERDAN, SHARON	2436 HOWARD	PORT HURON,	MI	48060	1/4	PORT HURON	321
BERDAN, SHARON	2436 HOWARD	PORT HURON	MI		1/4	PORT HURON	353
BLOOM, DAN	3190 SHERRY	MIDLAND	MI	48640	x	MIDLAND	87
BLOOM, KEN	3190 SHERRY	MIDLAND	MI	48640	x	MIDLAND	88
BLOOM, ROSALIE	P.O. BOX 1911	MIDLAND	MI	48640	x	MIDLAND	86
BOHLM, DOROTHY G.	2531 S. 5 MILE RD.	MIDLAND	MI	48640	x	MIDLAND	115
BONDIE, EDITH	HUBERT RD.	HUBBARD LAKE,	MI		4/4	OSCODA	247
BORTON, APRIL	9513 S. GILMORE RD.	BLANCHARD	MI		1/2	SHEPERD	297
BOURSAW, BERTON	721 E. ISABELLA	MIDLAND	MI		x	MIDLAND	94
BOYLE, FRANCIS	360 KLARER HINNEL	GAYLORD,	MI	49735	1/4	MIDLAND	65
BRIETER, JOSEPH	210 2ND	HALE,	MI		1/2	OSCODA	170
BRIETER, RUTH	210 2ND	HALE,	MI		4/4	OSCODA	169
BRITTAIN, BRUCE	1616 15TH. ST.	PORT HURON,	MI	48060	1/2	PORT HURON	327
BRITTAIN, BRIAN	1616 15TH. ST.	PORT HURON,	MI	48060	1/2	PORT HURON	326
BRITTAIN, LORETTA	1616 15TH. ST.	PORT HURON,	MI	48060	4/4	PORT HURON	325
BUNTING, JOHN A.	P.O. BOX #2	LUDLOW,	IL		1/2	OSCODA	157
BUNTING, JODIE A.	P.O. BOX #2	LUDLOW,	IL		1/2	OSCODA	158
BUNTING, RUTH	P.O. BOX #2	LUDLOW,	IL		1/2	OSCODA	155
BUNTING, JAN A.	P.O. BOX #2	LUDLOW,	IL		1/2	OSCODA	156
CABAY, CECIL	2246 COGGINS	PINCONNING,	MI		1/2	SAGANING	375
CABAY, SUSAN MARIE	P.O. BOX 165	STANDISH,	MI	48658	1/2	SAGANING	378
CARPENTER, VIVIAN	1513 STEWART RD.	MONROE	MI	48910		LANSING	146
CICALO ARTHUR	3190 E. MOORE	SAGINAW	MI		1/8	SAGINAW	32
CICALO DEBBIE	3190 E. MOORE	SAGINAW	MI		1/4	SAGINAW	31
COMMER, MYRA LEE	BOX 88	CLARE,	MI	48617	1/4	MIDLAND	81
CRIMP E. ROBERT Jr.	904 WEBBER	SAGINAW	MI		x	SAGINAW	6
CUMMINS, RUTH A.	5933 VALENCIO	LANSING	MI	48906	x	LANSING	134

DOCKET 59,13E,AND13F HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	BL. DEG.	MTG. SITE	RCD
CURTIS, ALISA	2105 DEAN ST.	HOLT	MI	48842	1/4	LANSING	141
CURTIS, CHARMAGNE	2105 DEAN ST.	HOLT	MI	48842	1/4	LANSING	143
CURTIS, RONONA	2105 DEAN ST.	HOLT	MI	48842	1/2	LANSING	139
CURTIS, NATASHA	2105 DEAN ST.	HOLT	MI	48842	1/4	LANSING	142
DAVID MARY	6030 FORT RD.	SAGINAW	MI		1/8	SAGINAW	37
DAVID MELISSA	6030 FORT RD.	SAGINAW	MI		1/8	SAGINAW	39
DAVID SHARON	6030 FORT RD.	SAGINAW	MI		1/4	SAGINAW	36
DAVID SHEILA	6030 FORT RD.	SAGINAW	MI		1/8	SAGINAW	38
DAVIS, FRANCIS	113 W. JAMIESON	FLINT	MI	48505	x	MIDLAND	103
DAVIS, IRENE	3487 COLUMBINE	BURTON	MI	48529	x	MIDLAND	101
DAVIS, JOHN	3487 COLUMBINE	BURTON	MI	48529	x	MIDLAND	102
DIXON, CHRISTINE	1317 JEROME	CHARLOTTE,	MI	48912	x	LANSING	138
DOBROWOLSKI,DAVID MR	1615 GRISWOLD	PORT HURON,	MI	48060	1/2	PORT HURON	322
DOBROWSKI, DEBORAH A	1615 GRISWALD ST.	PORT HURON,	MI		1/4	PORT HURON	357
DOBROWSKI, DAVID J.	1615 GRISWALD ST.	PORT HURON,	MI		1/2	PORT HURON	355
DOBROWSKI, DANIEL D.	1615 GRISWALD ST.	PORT HURON,	MI		1/4	PORT HURON	356
DODGE, LENA M.	1723 SCOTT RD.	SARNIA,	ON		4/4	PORT HURON	370
DOLMAN JESSIC	9200 WILLETT RD.	FAIRGROVE	MI		1/2	SAGINAW	24
DOUGLAS SARAH	802 DICKENSON ST.	FLINT ..	mi		3/4	saginaw	7
DOWLING, NANCY	282 S. 7 MILE RD.	MIDLAND	MI	48640	x	MIDLAND	119
DRAKE, CLEORA	887 N. 11 MILE RD.	SANDFORD	MI		x	MIDLAND	113
DREWS, DEE M.	4221 N. GRAND RIVER	LANSING	MI	48906	x	LANSING	133
ELLICK, TANYA	5090 LAKE SHORE	PORT HURON,	MI	48060	1/8	PORT HURON	336
EMIG, FRAVIS	RR #1	COMINS	MI	48705	1/2	OSCODA	191
EMIG, JESSE	RR #1	COMINS	MI	48705	1/2	OSCODA	190
EMIG, SUSAN	RR #1	COMINS	MI	48705	1/2	OSCODA	189
ENGELGAU,CARRIE	911 WATER ST.	SARNIA,	ON		4/4	PORT HURON	359
FALK, JESSIE	3041 E. TOWNLINE	PINCONNING,	MI		4/4	SAGANING	380
FISHER FRAN	1205 HARBOLD	MT PLEASANT	MI		4/4	SAGINAW	2
FISHER GERALDINE	211 E. CLINTON ST.	ST. CHARLES	MI	48655	3/4	SAGINAW	23
FISHER JAMES	5280 S. GRAHAM	ST. CHARLES	MI	48655	5/8	SAGINAW	22
FISHER, RAYMOND	1205 HARROLD	MT PLEASANT	MI		4/4	SAGINAW	1
FISHER, KIMBERLY	124 WAYNE ST.	ST. CHARLES,	MI	48655	x	SHEPERD	266
FISHER, RAYMOND	1205 HAROLD	MT. PLEASANT,	MI		4/4	SHEPERD	256
FISHER, CECIL	319 PARSHALL ST.	OAKLEY,	MI		4/4	SHEPERD	264
FLORY, JODI	4780 TEFT	ST. CHARLES,	MI		1/8	SHEPERD	248
FLORY, JUDY	4780 TEFT	ST. CHARLES,	MI		1/8	SHEPERD	249
FOSTER, ROBERT III	1020 DIVISION ST.	PORT HURON,	MI	48060	1/16	PORT HURON	338
FOSTER, WILLIAM J.	1020 DIVISION ST.	PORT HURON,	MI	48060	1/16	PORT HURON	339
FOSTER, WENDY M.	1020 DIVISION ST.	PORT HURON,	MI	48060	1/8	PORT HURON	341
FOSTER, ROBERT H. II	1020 DIVISION ST.	PORT HURON,	MI		1/8	PORT HURON	358
FOSTER, ROBERT	4609 LAPEER	PORT HURON,	MI	48060	1/4	PORT HURON	337
FOSTER, AMY N.	1020 DIVISION ST.	PORT HURON,	MI	48060	1/16		340
FOSTER,PAULA	1020 DAVIDSON ST.	PORT HURON,	MI	48060	X	PORT HURON	316
FOSTER,WENDY	1020 DAVIDSON ST.	PORT HURON,	MI	48060	X	PORT HURON	315
FOWLER DAN	5245 TEFT RD.	ST. CHARLES	MI		1/4	SHEPERD	263
FOWLER , LILANN		ST. CHARLES	MI		1/4	SAGINAW	55
FOWLER , DALE Jr.		ST. CHARLES	MI		1/4	SAGINAW	54
FOWLER DANIEL	5245 TEFT	ST. CHARLES	MI	48655	1/4	SAGINAW	20
FOWLER JOEY	612 FLORENCE	ST. CHARLES	MI	48655	1/4	SAGINAW	19

DOCKET 59,13E,AND13F HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	EL. DEG.	MTG. SITE	RCD
FOWLER JOHN	845 CHURCH ST.	FREELAND	MI	48623	1/4	SAGINAW	17
FOWLER MONROE	1113 CHESANING ST.	ST. CHARLES	MI	48655	1/2	SAGINAW	18
FOWLER RICKY	1265 N. MAIN	ST. CHARLES	MI	48655	1/4	SAGINAW	21
FOWLER, DALE JR.	526 HANCHETT	ST. CHARLES,	MI		1/4	SHEPERD	277
FOWLER, DALE	526 HANCHETT	ST. CHARLES,	MI		1/2	SHEPERD	276
FOWLER, LAYTON	301 HANCHETT	ST. CHARLES,	MI		1/2	SHEPERD	278
FOWLER, JIM	301 CHESANING	ST. CHARLES,	MI		1/4	SHEPERD	251
FOWLER, MONICA	1113 CHESANING	ST. CHARLES	MI		1/2	SHEPERD	261
FOWLER, MORMON	1113 CHESANING	ST. CHARLES	MI		1/4	SHEPERD	262
FOWLER, JOEY	612 FLORENCE	ST. CHARLES	MI		1/4	SHEPERD	259
FOWLER, DALE	526 HANCHETT	ST. CHARLES	MI		1/2	SAGINAW	49
FOWLER, RICK	1225 N. MAIN	ST. CHARLES	MI		1/4	SHEPERD	260
FOWLER, JOHN H.	845 CHURCH	FREELAND	MI	48625	x	MIDLAND	96
FOWLER, ROY	14989 W. MARION RD.	CHESANING	MI	48616	X	SHEPERD	270
GAGE DON	129 TAYLOR	PORT HURON,	MI	48060	3/4	PORT HURON	320
GAGE, DOUGLAS	2607 YEAGER	PORT HURON	MI	48060	X	PORT HURON	309
GAGE, DONALD O.	129 TAYLOR°	PORT HURON	MI		1/2	PORT HURON	352
GAGE, FRANK	15387 CHERRYLAWN	DETROIT,	MI	48238	1/2	PORT HURON	354
GAGE, FRANK	15387 CHERRYLAWN	DETROIT,	MI	48238	X	PORT HURON	310
GENSON, MYRLA	3966 RANCH Dr.	BAY CITY	MI		x	MIDLAND	72
GETTS, WILDA	1315 PRICE	MIDLAND	MI	48640	x	MIDLAND	118
GILLIZ, ALYCE	62 CORNETT	TAWAS,	MI		1/2	OSCODA	154
GILLIZ, KIM	62 CORNETT	EAST TAWAS,	MI		1/4	OSCODA	160
GILLIZ, TONY	62 CORNETT	EAST TAWAS,	MI		1/4	OSCODA	161
GLOMBOWSKI,MAXINE	2845 MONTICELLO	PORT HURON	MI	48060	1/2	PORT HURON	308
GRANT, CAREY	5315 RAVENSWOOD RD.	PORT HURON	MI		X	PORT HURON	362
GRANT, GEORGE	5315 RAVENSWOOD RD.	PORT HURON	MI		X	PORT HURON	361
GRANT, LEONA	5315 RAVENSWOOD RD.	PORT HURON	MI		X	PORT HURON	363
GRANT, MARSHA	5315 RAVENSWOOD RD.	PORT HURON	MI		1/2	PORT HURON	360
GRAY, GREG K.	1723 SCOTT RD.	SARNIA,	ON		4/4	PORT HURON	371
GRAY,CAROL J.	1723 SCOTT RD.	SARNIA,	ON		4/4	PORT HURON	368
GRAY,CYNTHIA	1723 SCOTT RD.	SARNIA,	ON		4/4	PORT HURON	372
GRAY,DARRELL W.	1723 SCOTT RD.	SARNIA,	ON		4/4	PORT HURON	369
GRAY,RAYMOND JR.	P.O. BOX 112	SARNIA,	ON		4/4	PORT HURON	367
GREEN, GENIVE	MILLS ST.	HALE	MI		x	OSCODA	206
GREEN, ROBERT	3018 KRAFT	PORT HURON,	MI	48060	1/8	PORT HURON	333
GREEN, STACY	3018 KRAFT	PORT HURON,	MI	48060	1/8	PORT HURON	334
GREEN, SUSAN	3018 KRAFT	PORT HURON,	MI	48060	1/8	PORT HURON	335
GREEN, WILMA	3018 KRAFT	PORT HURON,	MI	48060	1/4	PORT HURON	332
GREENWOOD,ROSE	7845 RIDGWAY	BRIDGEPORT	MI		1/4	SAGINAW	98
GREVE WENDY	116 MARCY ST.	ST. CHARLES	MI		1/4	SAGINAW	48
GURNUE STANLEY & PAU	1321 E. MAIN ST.	LANSING	MI		4/4	LANSING	129
GUTTOWSKY CHRIS	10511 CARR RD.	ST CHARLES	MI		1/4	SAGINAW	40
GUTTOWSKY JENNY	10511 CARR RD.	ST CHARLES	MI		1/8	SAGINAW	43
GUTTOWSKY STACY	10511 CARR RD.	ST CHARLES	MI		1/8	SAGINAW	41
GUTTOWSKY CHRISTY	10511 CARR RD.	ST CHARLES	MI		1/8	SAGINAW	42
HAMMOND, DIANE	9616 MAYNARD CT.	PEARL BEACH,	MI	48052	1/2	PORT HURON	318
HARRIS, PEGGY	CRYSTAL RD.	BUTTERNUT,	MI		1/2	SHEPERD	283
HAWK, ELEANOR	302 W. MAIN	DEWITT	MI		1/2	LANSING	123
HAWKINS, LUCILLE	1037 OAKLAND	LANSING	MI		4/4	LANSING	125

DOCKET 99,13E,AND13F HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	HL. DEG.	MTG. SITE	RCD
HEIKKILA, NORMAN MR/	938 S. HOMER RD.	MIDLAND	MI	48640	x	MIDLAND	100
HENDRICKSON, BERNICE	1413 N. HIGH	LANSING	MI		1/2	LANSING	128
HENRY, JEAN	715 SUMMER	ALGONAC,	MI		1/4	PORT HURON	343
HENRY, PHILIP	715 SUMMER	ALGONAC,	MI		4/4	PORT HURON	342
HENRY,PHILIP	715 SUMMER ST.	ALGONAC,	MI	48001	4/4	PORT HURON	317
HILL, MARIE	286 S. 7 MILE RD.	MIDLAND	MI	48640	x	MIDLAND	120
HISKE, SANDRA		ALPENA,	MI		1/2	OSCODA	218
HODGINS,MIKE	129 TAYLOR	PORT HURON	MI		1/2	PORT HURON	351
HOLZHAUSEN,JACK	3831 EASTON RD.	OWOSSO,	MI		1/8	SHEPERD	288
HOLZHAUSEN,DOLLY	3831 EASTON RD.	OWOSSO,	MI		1/4	SHEPERD	289
HORNIG, DIANE S.	60 VIOLET	MIDLAND	MI	48640	1/4	MIDLAND	66
HORNING, WILLARD	5380 MEMICK	DEARBORN HTS.	MI		1/4	MIDLAND	63
HORNING, MARK	P.O. BOX 9298	COLLEGE STATION	TX		1/4	MIDLAND	62
HORNING, NEAL	1320 EDISON	MIDLAND	MI		1/4	MIDLAND	61
HORNING, CURTIS	3123 N. WALDO	MIDLAND	MI	48125	1/4	MIDLAND	64
HOULE,SHIRLEY	1160 7 MILE RD.	PINCONNING	MI		1/2	SAGANING	377
HUNNING, ROSEMARY	132 E. ALSON RD.	MIDLAND	MI	48640	x	MIDLAND	105
ISAAC L.	5421 HIDDEN RD.	BAY CITY	MI		4/4	SAGINAW	8
JACKSON, MARGARET	5245 E. BRISTOL RD.	BURTON,	MI		1/4	PORT HURON	344
JACKSON, KENNETH W.	5245 E. BRISTOL RD.	BURTON,	MI	48519	1/8	PORT HURON	346
JACKSON, GERALDINE	715 SATURN Dr.	MIDLAND	MI		4/4	MIDLAND	73
JACKSON, TROY D.	5245 E. BRISTOL RD.	BURTON,	MI	48519	1/8	PORT HURON	349
JACKSON, K. TODD	5245 E. BRISTOL RD.	BURTON,	MI	48519	1/8	PORT HURON	348
JACKSON, CATHRINE	901 JOHNSON	LANSING	MI		4/4	LANSING	127
JACKSON, NICOLAS R.	5245 E. BRISTOL RD.	BURTON,	MI	48519	1/16	PORT HURON	350
JACKSON, KIP D.	5245 E. BRISTOL RD.	BURTON,	MI	48519	1/8	PORT HURON	347
JACKSON, ROBERT	5245 E. BRISTOL RD.	BURTON,	MI	48519	1/8	PORT HURON	345
JACOBS, ANNIE	1633 HENRY	PORT HURON,	MI		4/4	PORT HURON	303
JACOBS, HARLIE	1108 CYPRESS	PORT HURON,	MI	48060	4/4	PORT HURON	329
JACOBS, LORAN C.	609 ST. JAMES	MARYSVILLE,	MI		4/4	PORT HURON	304
JACOBS, ERNEST	407 TAYLOR	PORT HURON,	MI	48060	4/4	PORT HURON	328
JACOBS, JOE	50940 ALTMAN RD. APT	NEW BALTIMORE,	MI	48047	4/4	PORT HURON	305
JACOBS, HERBERT	1124 CYPRESS	PORT HURON,	MI		4/4	PORT HURON	302
JACOBS, DAVID	1108 CYPRESS	PORT HURON,	MI	48060	1/2	PORT HURON	330
JACOBS, LORAN	BOB RAWLINS	PORT HURON,	MI	48060	4/4	PORT HURON	331
JACOBS, JOAN	3550 GRANT	PORT HURON	MI	48060	4/4	PORT HURON	306
JAERSON, ROSE M.	9915 CUTLER RD.	LANSING	MI	48906	x	LANSING	135
JAMES CLARA	2217 OKLAHOMA	FLINT	MI	48506	4/4	SAGINAW	30
JAMES,THOMAS	564 BAY	STANDISH,	MI	48658	4/4	SAGANING	379
JOHANSON, JUDY	9513 S. GILLMOR RD.	BLANCHARD	MI	49310	1/2	SHEPERD	281
JOHNSON, SHIRLEY	6215 CEDAR LAKE RD.	OSCODA	MI	48750	3/4	OSCODA	183
JOHNSON, OSKAR	6215 CEDAR LAKE RD.	OSCODA	MI	48750	1/2	OSCODA	184
JOHNSON, MISSY	6215 CEDAR LAKE RD.	OSCODA	MI	48750	1/2	OSCODA	185
JOSEPH, JOSEPH	2229 W. HUBERT RD.	HUBBARD LAKE,	MI		4/4	OSCODA	245
JOSEPH, ALLEN	2137 W. HUBBARD LAKE	HUBBARD LAKE	MI	49747	4/4	OSCODA	210
JOSEPH, DAVID A.	2229 W. HUBERT RD.	HUBBARD LAKE,	MI		4/4	OSCODA	244
JOSEPH, LYMAN	2050 E. KINGS CORNER	MIKADO	MI	48745	1/2	OSCODA	209
JOSEPH, ALBERT		HUBBARD LAKE	MI	49747	4/4	OSCODA	215
JOSEPH, PAUL		HUBBARD LAKE	MI	49747	4/4	OSCODA	216
JOSEPH, NINA	2229 W. HUBERT RD.	HUBBARD LAKE,	MI		4/4	OSCODA	246

DOCKET 99,13E,AND13F HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	HL. DEG.	MTG. SITE	RCD
JOSLIN, MYRA	6 W. CHIPPEWA RD.	MIDLAND	MI	48640		MIDLAND	116
KESHICK, PATRICIA	1413 N. HIGH	LANSING	MI		4/4	LANSING	126
KILLEN MARCY	1826 CRESWELL	SHREVEPORT,	LA	71101	3/4	OSCODA	220
KNIGHT, VIRGINA	9544 NATHALINE	REDFORD,	MI	48239	X	PORT HURON	314
KOTA,LAURA	5315 RAVENSWOOD RD.	PORT HURON	MI		X	PORT HURON	365
KOTA,SHARON L.	5315 RAVENSWOOD RD.	PORT HURON	MI		X	PORT HURON	364
LAVOIE, HAZEL R.	7630 T-41	OSCODA,	MI		4/4	OSCODA	239
LEONARD, MARY ANN	307 N. SUPERIOR ST.	FARWELL	MI		x	MIDLAND	110
LEONARD, JOHN	205 GRACE ST.	FARWELL	MI		x	MIDLAND	109
LEONARD, YVONNE	205 GRACE ST.	FARWELL	MI		x	MIDLAND	108
LINDSAY, LINDA	15435 FIELDING	DETROIT,	MI	48223	X	PORT HURON	312
LITTLE (LADONNA), JA	2573 W. ISABELLA RD.	MIDLAND	MI		1/4	MIDLAND	71
LUTTE, NYLA	411 W. MAIN ST.	MIDLAND	MI	48640	x	MIDLAND	85
MASHUE, DONALD L.	1073 W. CHIPPEWA	MIDLAND	MI		x	MIDLAND	83
MASHUE, HENRY	650 W. CHIPPEWA	MIDLAND	MI	48640	x	MIDLAND	69
MASHUE, RICHARD		MIDLAND	MI		x	MIDLAND	92
MAYES, JANET	449 E. EDGEWOOD BLVD	LANSING	MI	48910	x	LANSING	148
MAYS, TRACY	15485 PLAINVIEW	DETROIT,	MI	48223	X	PORT HURON	311
MESSACAR, MARION	301 ALPINEWAY D.	MIDLAND	MI	48640	x	MIDLAND	107
MEYER,BRENDI	4780 TEFT	ST. CHARLES,	MI		1/8	SHEPERD	293
MEYER,TINA	4780 TEFT	ST. CHARLES,	MI		1/8	SHEPERD	292
MILLER, VICTORIA	610 KOCHVILLE RD.	SAGINAW	MI	48603	1/2	SAGINAW	60
MILLER,VICKI	3239 CHRISTY WAY	SAGINAW,	MI	48604	1/2	SHEPERD	267
MILLS, ARLENE	4800 W. WATER ST.	PORT HURON	MI	48060	1/2	PORT HURON	307
MINER, DONALD R.	2882E BAKER RD.	MIDLAND	MI	48640	1/2	MIDLAND	68
MINER, ROBERT	2616 WACKERLY Rd.	MIDLAND	MI	48640	x	MIDLAND	90
MINER, VICKI	2882E BAKER RD.	MIDLAND	MI	48640	1/4	MIDLAND	67
MINGUS, ROBERT		FEVAS	MI		1/2	OSCODA	193
MINGUS, PAMELA		FEVAS	MI		1/2	OSCODA	192
MITCHELL	721 E. ISABELLA	MIDLAND	MI		x	MIDLAND	95
MYERS, JOAN	4780 TEFT	ST. CHARLES,	MI		1/4	SHEPERD	250
MYERS, WILLIAM	4780 TEFT RD.	ST. CHARLES,	MI		1/8	SHEPERD	253
NAGAHOMON, CLARA	2378 KINGS CORNER	MIKADO,	MI		4/4	OSCODA	238
NAGAHOMON, VIOLA V.	2378 KINGS CORNER	MIKADO,	MI		4/4	OSCODA	236
NAGAHOMON, LAWRENCE	2378 KINGS CORNER	MIKADO,	MI		4/4	OSCODA	237
NAGAHOMON, ERNEST	215 5TH. ST. BOX 67	HARRISVILLE	MI		4/4	OSCODA	235
NAHGAHOMON, HARRY JR		MIKADO,	MI		4/4	OSCODA	153
NAHGAHOMON, AMANDA	210 2ND. ST.	HALE	MI		4/4	OSCODA	233
NAHGAHOMON, SUSAN	601 THIRD ST.	OSCODA	MI		4/4	OSCODA	151
NAHGAHOMON, ANITA		HARRISVILLE	MI		1/2	OSCODA	174
NAHGAHOMON, JOHN	601 THIRD ST.	OSCODA	MI		4/4	OSCODA	152
NAHGAHOMON, RICHARD	207 W. ESMOND	HALE	MI		x	OSCODA	204
NEDWASH NELSON	7941 INDIAN RD.	OSCODA	MI	48750	4/4	OSCODA	197
NEDWASH, JOHN	CORBLEE RD.	MIKADO	MI	48750	3/4	OSCODA	181
NEDWASH, NANCY	7941 INDIAN RD.	OSCODA	MI	48750	3/4	OSCODA	176
NEDWASH, DANIELLE	CORBLEE RD.	MIKADO	MI	48750	3/4	OSCODA	182
NEDWASH, CLAYTON C.	7941 INDIAN RD.	OSCODA	MI	48750	3/4	OSCODA	175
NEDWASH, BONNIE	7941 INDIAN RD.	OSCODA	MI	48750	3/4	OSCODA	178
NEDWASH, CLAYTON C.	7941 INDIAN RD.	OSCODA	MI	48750	3/4	OSCODA	179
NEDWASH, JOE. W.	7941 INDIAN RD.	OSCODA	MI	48750	3/4	OSCODA	180

DOCKET 99,13E,AND 14W HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	EL. DEG.	MTG. SITE	RCD
SHERWOOD, KAREN	1335 W. ISABELLA	MIDLAND			x		76
SHIPMAN DEBRA	1723 SCOTT RD.	SARNIA,	ON		4/4	PORT HURON	373
SHURKEY, JUDY		MIDLAND				SHEPERD	254
SILAS,ROGER	3025 E. TOWNLINE RD.	PINCONNING,	MI		3/4	SAGANING	376
SLAVIK CONNIE L.	1008 EATON #1	SAGINAW	MI	48601	1/4	SAGINAW	44
SLAVIK JONI		SAGINAW	MI		1/2	SAGINAW	56
SLAVIK LIGHTFEATHER	1008 EATON #1	SAGINAW	MI	48601	1/4	SAGINAW	45
SLAVIK MABLE		SAGINAW	MI		4/4	SAGINAW	57
SMITH ALTON	3133 E. MOORE	SAGINAW	MI		1/4	SAGINAW	33
SMITH FAYE	3133 E. MOORE	SAGINAW	MI		1/4	SAGINAW	34
SMITH MARY7	3133 E. MOORE	SAGINAW	MI		1/2	SAGINAW	35
SMITH, HUD Mrs.	RR #1	SHEPERD	MI		x	MIDLAND	84
SMITH, DANIEL	2810 CORUS RD.	LANSING	MI	48906	x	LANSING	136
SMITH, EMILY	BOX 301	SANFORD	MI	48657	x	MIDLAND	89
SPEAKER, LINDA	1621 N. 8 MILE	SANDFORD	MI	48657	x	MIDLAND	104
SPENCER JUANITA	3265 E. DAYTON RD.	CARO	MI		x	SAGINAW	4
STARKEY ARTINA	N. JOHNSON RD.	WIEDMAN	MI		4/4	SAGINAW	3
STEMPEK,LENA	1502 S. 7 MILE RD	KAWKAWLIN,	MI		1/2	SAGANING	374
STEVENS RICHARD	207 W. ESMOND	HALE	MI		x	OSCODA	203
STEVENS VICKY	116 MARCY ST.	ST. CHARLES	MI		1/2	SAGINAW	46
STEVENS PAMELA	207 W. ESMOND	HALE	MI		x	OSCODA	202
STEVENS NAOMI	116 MARCY ST.	ST. CHARLES	MI		1/4	SAGINAW	47
STEVENS MARY LOU	207 W. ESMOND	HALE	MI		x	OSCODA	201
STEVENS KIM THEODORE	BOX 102	HALE,	MI	48739	x	OSCODA	226
STEVENS, DON	9513 S. GILLMOR RD.	BLANCHARD	MI	49310	4/4	SHEPERD	279
STEVENS, VICKY	116 MARCY ST.	ST CHARLES,	MI		1/2	SHEPERD	298
STEVENS,RUSSELL	9513 S. GILMORE RD.	BLANCHARD	MI		1/2	SHEPERD	296
STEVENS,SHERRY	1014 N. SAGINAW ST.	ST. CHARLES,	MI		X	SHEPERD	301
STEVENS, GLORIA	9513 S. GILLMOR RD.	BLANCHARD	MI	49310	1/2	SHEPERD	280
STEVENS, TIMOTHY DAL		SHEPERD,	MI		1/2	SHEPERD	258
STEVENS, MINNIE	9513 S. GILLMOR RD.	BLANCHARD	MI	49310	1/2	SHEPERD	282
STEVENS, SANDRA SUE	251 1/2 W.WRIGHT AVE	SHEPERD	MI	48883	1/2	SHEPERD	268
STEVENS, ROSE	411 1/2 W. BELLE AVE	ST CHARLES,	MI		1/2	SHEPERD	300
STEVENS, SY	13703 HANCHETT RD.	ST CHARLES,	MI		X	SHEPERD	299
STEVENS, TIMOTHY	207 W. ESMOND	HALE	MI		x	OSCODA	205
STEVENS,LAURA	9513 S. GILMORE RD.	BLANCHARD	MI		1/4	SHEPERD	295
STONE, PEARL	5315 RAVENSWOOD RD.	PORT HURON	MI		X	PORT HURON	366
TAYLOR, EDWARD	14689 GIBRALTER	GIBRALTAR	MI	48173	1/4	OSCODA	164
TAYLOR, CORA	895 N. 11 MILE RD.	SANDFORD	MI		x	MIDLAND	112
TAYLOR, THOMAS	14689 GIBRALTER	GIBRALTAR	MI	48173	1/4	OSCODA	166
TAYLOR, JUANITA	14689 GIBRALTER	GIBRALTAR	MI	48173	1/2	OSCODA	163
TAYLOR, TODD	14689 GIBRALTER	GIBRALTAR	MI	48173	1/4	OSCODA	165
TEICHMAN,DAWN	2310 RILEY	OSSO,	MI		1/8	SHEPARD	287
TERRY, BRENDA S.	8459 E. MONROE	WHEELER	MI		x	MIDLAND	93
THIELE, CHRISTINE		ST. CHARLES	MI		X	SHEPARD	271
THURLOW, MORA	459 WACKERLY	SANDFORD	MI	48657	x	MIDLAND	97
TUCKER(MASHUE), ELLA	436 S. 11 MILE RD.	MIDLAND	MI	48640		MIDLAND	117
ULESKI, GLORIA	9096 ISLAND DR.	ALGONAC,	MI	48001	4/4	PORT HURON	319
VAN ELTES, LAURA	2993 W. RIVER	MIDLAND			x	MIDLAND	77
VANCE BARBARA	11010 SEYMOUR RD.	BURT	MI		1/2	SAGINAW	10

DOCKET 59,13E,AND13F HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	EL. DEG.	MFG. SITE	RCD
NEDWASH, BRENDA	7941 INDIAN RD.	OSCODA	MI	48750	3/4	OSCODA	177
NEGAKE, EVELYN		SAGINAW,	MI		1/2	SHEPPERD	274
NIELSON JANET	11010 SEYMOUR RD.	HURT	MI		1/2	SAGINAW	9
OLIVER, JENNIE		BARTON, CITY	MI		4/4	OSCODA	217
OTTO, ROSE	LINCOLN HEAVEN	LINCOLN	MI		x	OSCODA	207
PAHAME, ROBERT	902 W. SANTEE	CHARLOTTE,	MI		3/4	OSCODA	186
PAHAME, JEREMIAH	902 W. SANTEE	CHARLOTTE,	MI		1/2	OSCODA	187
PAHAME, MARTIN GLENN	124 W. 19TH ST.	HOLLAND	MI	49423	4/4	OSCODA	232
PAHAME, WILLIAM JR.	478 S. U.S. 23	HARRISVILLE	MI		4/4	OSCODA	231
PAHAME, SNOW ANN	902 W. SANTEE	CHARLOTTE,	MI		1/2	OSCODA	188
PAHAME, MICHELE R.	124 W. 19TH	HOLLAND	MI	49423	4/4	OSCODA	219
PAHP, J.	928 N. CEDAR	LANSING	MI		1/2	SHEPPERD	273
PAHP, JUDITH	928 CEDAR	LANSING,	MI	48906	1/2	LANSING	121
PASHECO, EDWARD R.	1910 HUBBERT RD.	HUBBARD LAKE	MI		4/4	OSCODA	243
PASHODBA, EDWARD R.	HUBBERT RD.	HUBBARD LAKE	MI	49747	4/4	OSCODA	167
PASSOR HELEN	904 WEBBER	SAGINAW	MI		x	SAGINAW	5
PETERS, GERALD		MT. PLEASANT,	MI		4/4	SHEPPERD	257
PETTIT, REBEKAH ROSE	6929 W CURTIS RD	HALE,	MI	48739	x	OSCODA	224
PILAT, BONNIE SUE	2655 S M-76	WEST BRANCH,	MI		x	OSCODA	221
PILAT, JESSICA SUE	2655 S M-76	WEST BRANCH,	MI		x	OSCODA	223
PILAT, NICOLE EVELYN	2655 S M-76	WEST BRANCH,	MI		x	OSCODA	222
POTTER, JUDY	2496 SUE ANN	FLINT,	MI		1/4	SHEPPERD	252
POTTER, SCOTT	1119 W. PARKWOOD ST.	FLINT,	MI		1/8	SHEPPERD	290
POTTER, RODNEY	2496 SUE ANN LANE	FLINT,	MI		1/8	SHEPPERD	291
PRIEST, JAN		MIDLAND	MI		1/4	MIDLAND	79
PUMFORD, JERRY	523 UNION	ST. LOUIS,	MI		1/4	SHEPPERD	294
PUMFORD, TRUDY	523 UNION ST.	ST. LOUIS,	MI	48880	1/4	SHEPPERD	272
RAMEY, MARY BETH	3300 KIESEL Rd.	BAY CITY	MI	48706	x	MIDLAND	91
REED CHRISTINE	1518 DELAWARE AVE	FLINT	MI	48506	4/4	SAGINAW	26
REYES BERNEDETTE	2631 LIETH	FLINT	MI	48506	1/2	SAGINAW	29
REYES KAHGHGAB ADELI	2431 LIETH ST.	FLINT	MI	48506	4/4	SAGINAW	27
REYES THERSA	2431 1/2 LIETH ST.	FLINT	MI	48506	1/2	SAGINAW	28
REYNOLDS, HARRY	1320 POMPTON ST.	LANSING	MI	48910	x	LANSING	130
REYNOLDS, CECILIA	4093 THORNTON HWY. R	CHARLOTTE,	MI	48813	x	LANSING	137
REYNOLDS, MICHAEL A.	624 SPRUCE ST. #2	OLIVET,	MI	49076	x	LANSING	131
REYNOLDS, HARRY JR.	426 N. CLOBRAN AVE	CHARLOTTE	MI	48813	x	LANSING	132
RHODES, DAVID J.	435 2ND.ST.	OSCODA,	MI		4/4	OSCODA	242
RHODES, FRANCES J.	435 2ND.ST.	OSCODA,	MI		4/4	OSCODA	240
RHODES, JOHN R.	435 2ND.ST.	OSCODA,	MI		4/4	OSCODA	241
RIEMER, MARTHA M.	307 4TH ST.	OSCODA	MI	48750	x	OSCODA	168
SANDOW, BETTY	190 N. SANDOW RD.	MIDLAND	MI	48640	x	MIDLAND	98
SCHAFER, CHRISTINE	NORTH VALE DR.	GRAND RAPIDS,	MI	48649	x	SHEPPERD	265
SCHMITTER WANDA	9300 WILLETT RD.	FAIRGROVE	MI		4/4	SAGINAW	25
SCHMIDT, ELLEN	1922 OAK ST.	PORT HURON,	MI	48060	1/2	PORT HURON	324
SCHMIDT, HELEN	1704 16TH ST.	PORT HURON,	MI	48060	4/4	PORT HURON	323
SCHULER, BRYAN	19287 BRANT RD.	BRANT	MI		1/4	SAGINAW	53
SCHULER, CINDY	19807 BRANT RD.	BRANT	MI		1/4	SAGINAW	50
SCHULER, BETTY	19087 BRANT RD.	BRANT	MI		1/2	SAGINAW	51
SCHULER, ANDY	19287 BRANT RD.	BRANT	MI		1/4	SAGINAW	52
SIMMS, SYLVIA A.	523 UNION	ST. LOUIS,	MI		1/2	SHEPPERD	296

DOCKET 59,13F,AND 13F

NAME	ADDRESS	CITY	ST	ZIP	HL. DIG.	MTG. SITE	RCD
LAND BELINDA	5TH ST.	WYANDOTTE,	MI	48195	X	PORT HURON	73
MAYLAELL., VICK	3245 MOAK ST.	PORT HURON	MI		1/2	PORT HURON	41
MESHKY,WILLIAM J.	475 PETERBORO	DETROIT,	MI	48060	X	PORT HURON	74
MIDDLETON,SHERYL	3814 MILITERY ST.	PORT HURON	MI		1/2	PORT HURON	42
MILLS, MICHAEL BRYAN	4800 W. WATER ST.	PORT HURON	MI		1/2	PORT HURON	43
PHILIPS,HAZEL	8823 RATHBONE	DETROIT,	MI		X	PORT HURON	75
PIDGEON,ELIZABETH	30117 KENSINTON	TAYLOR,	MI	48180	X	PORT HURON	76
PRATER, KIMBERLY	2414 HOPPS	PORT HURON	MI		1/2	PORT HURON	45
PRATER, VERONICA	2414 HOPPS	PORT HURON	MI		1/2	PORT HURON	46
PRATER, JEFFERY	2414 HOPPS	PORT HURON	MI		1/2	PORT HURON	44
PRATER, GERTRUDE	2414 HOPPS	PORT HURON	MI		4/4	PORT HURON	15
REEVES,DEANE L	2520 HENRY ST.	PORT HURON	MI	48060	1/2	PORT HURON	47
SCHMIDT,HELEN	1709 16TH ST.	PORT HURON	MI	48060	4/4	PORT HURON	16
SHALEKENCE,ANGELINE	RR #2	FORREST,	ON	NON-L0	4/4	PORT HURON	17
SHAWAND,FLOYD	1623 20TH	PORT HURON	MI	48060	4/4	PORT HURON	18
STIPPLER,CHALEEN,C.					X	LANSING	77
STROBEL.,JAYSON TRAY	515 WADESWORTH ST.	MONROE,	MI	48161	X	LANSING	79
STROBEL.,DWAYNE ROGE	515 WADESWORTH ST.	MONROE,	MI	48161	X	LANSING	78
WALSH,DAVID	MILITARY ST.	PORT HURON	MI		1/2	PORT HURON	48
WALSH, JAMES		PORT HURON	MI		1/2	PORT HURON	49
WALSH,RICHARD	1019 GARFIELD	PORT HURON	MI		1/2	PORT HURON	50
WALSH,STEVE	NORTH RD.	PORT HURON	MI		1/2	PORT HURON	51
WALSH,TAMMY	E. RICK DR.	PORT HURON	MI		1/2	PORT HURON	52
WILLIAMS, AUDRA	1504 WATER ST.	PORT HURON	MI		3/4	PORT HURON	20
WILLIAMS, BONITA	3245 MOAK ST.	PORT HURON	MI		1/2	PORT HURON	53
WILLIAMS, BONNIE	3245 MOAK ST.	PORT HURON	MI		1/2	PORT HURON	54
WILLIAMS,MYRA	1504 WATER ST.	PORT HURON	MI		3/4	PORT HURON	21
WILLIAMS,TIMOTHY	1504 WATER ST.	PORT HURON	MI		1/8	PORT HURON	56
WILLIAMS, PAULINE	3245 MOAK ST.	PORT HURON	MI		4/4	PORT HURON	19
WILLIAMS, ROGER	3245 MOAK ST.	PORT HURON	MI		1/2	PORT HURON	55
WILLIS,BEN	34161 BEACONSFIELD	MT. CLEMONS	MI	48043	X	PORT HURON	80
WISER,DAVID	9022 RACQUAY	TAYLOR,	MI	48180	X	PORT HURON	81
WISER,VIRGINIA	27020 HARVARD	FLAT ROCK,	MI	48134	X	PORT HURON	82

DOCKET 59,136,AND 138 HEARINGS (1)

NAME	ADDRESS	CITY	STA	ZIP	FL. DEG.	MFG. SITE	RCD
WABACKECK RAYMOND L.	4989 SALVINK	MIKADO	MI		4/4	OSCODA	208
WABACKECK, CLARENCE	4973 ALVIN RD	MIKADO	MI	48745	4/4	OSCODA	213
WABACKECK, NANCY	KINGS CORNERS	MIKADO	MI	48745	4/4	OSCODA	211
WABACKECK, ROBERT	7964 ALVIN RD.	MIKADO	MI	48745	4/4	OSCODA	214
WABACKECK, CLIFFORD	7964 S. ALVIN RD.	MIKADO	MI	48745	4/4	OSCODA	162
WABACKECK, IDY M.	4973 ALVIN RD.	MIKADO	MI	48745	4/4	OSCODA	212
WALIKANGAS, KATY		MIDLAND	MI		x	SHEPERD	255
WALIKANGAS, KATHLYN		MIDLAND			1/4	MIDLAND	78
WARNER, EUGENE	329 ALPINEWAY	MIDLAND			x	MIDLAND	76
WASHINTON, LEONARD	435 THIRD ST.	OSCODA	MI		4/4	OSCODA	149
WATSON, DELORES K.		LANSING,	MI	48906	1/2	LANSING	122
WAYNEE, MARGARET	2207 BROADWAY	BAY CITY	MI		4/4	OSCODA	150
WEAVER, CONNIE	490 S. CASTOR RD.	SHEPHERD	MI	48883	x	MIDLAND	82
WELCH, DOROTHY					x	MIDLAND	75
WHEATON TOM	3014 BIRCH PARK	SAGINAW	MI		1/2	SAINAW	11
WHEATON NORMAN	11070 SEYMOUR RD.	HURT	MI		4/4	SAGINAW	12
WILLIAMS, MARION		OSCODA	MI		4/4	OSCODA	172
WILLIAMS, LEE F.	BOX 343	HALE	MI		x	OSCODA	199
WILLIAMS CHRISTOPHER	391 3RD ST.	OSCODA	MI	48750	4/4	OSCODA	195
WILLIAMS, LEON D.	BOX 343	HALE	MI		x	OSCODA	200
WILLIAMS, MILDRED	2955 E. WAGNER TRAIL	OSCODA,	MI		4/4	OSCODA	236
WILLIAMS, DAVID		OSCODA	MI		4/4	OSCODA	173
WILLIAMS SHERI	391 3RD ST.	OSCODA	MI	48750	4/4	OSCODA	196
WILLIAMS, DOROTHY M.	4326 N. M-65	HALE	MI		x	OSCODA	198
WILLIAMS LEATIA	391 3RD ST.	OSCODA	MI	48750	4/4	OSCODA	194
WILLIAMS, GILBERT		OSCODA	MI		4/4	OSCODA	171
WORTHINGTON J. C.	1813 COURT	SAGINAW	MI		1/4	MIDLAND	70
WORTHINGTON SAMUEL B	2105 DEAN ST.	HOLT	MI	48842	1/2	LANSING	140
WORTHINTON,SONIA FLIZ	2105 DEAN ST.	HOLT	MI	48842	1/4	LANSING	145
WORTHINTON,TASHINA MA	2105 DEAN ST.	HOLT	MI	48842	1/4	LANSING	144

BUCKET 59,13E,AND 13F

NAME	ADDRESS	CITY	ST	ZIP	HL. DIG.	MFG. SITE	RCD
ABDULLAH,VIRGINIA	6518 JONATHAN	DEARBORN	MI	48126	X	PORT HURON	57
ADAMS,CHARLOTTE		SARNIA,	ON		4/4	PORT HURON	1
ADAMS,JENNIE E.	1940 ST.CLAIR PKWY	SARNIA	ON		4/4	PORT HURON	2
BATTICE,RONALD	31846 BLAIR DR.	WARREN	MI		X	PORT HURON	61
BATTICE,PAUL	31846 BLAIR DR.	WARREN	MI		X	PORT HURON	60
BATTICE,KIM	31846 BLAIR DR.	WARREN	MI		X	PORT HURON	59
BATTICE,BILL	31846 BLAIR DR.	WARREN	MI		X	PORT HURON	58
BEAULIEU,FRANK	6013 BRACES	DETROIT,	MI	48228	X	PORT HURON	62
BENNETT,GALEN	1615 16TH. ST.	PORT HURON	MI		1/2	PORT HURON	22
BIRD,NELLIE		SARNIA	ON	N7T-7Y5	4/4	PORT HURON	3
BRATON, PAT	728 BANCROFT	PORT HURON	MI		1/2	PORT HURON	23
BROGAN, VALERIE	12730 PEARL	SOUTHGATE	MI	48134	X	PORT HURON	63
CAPPS, JULIE	5000 LAKESHORE	PORT HURON	MI		1/8	PORT HURON	24
CARPENTER,VIVIAN	1513 STEWART RD A/T2	MONROE,	MI	48161	X	LANSING	64
CHARLES,JOSEPH EUGEN					X	LANSING	65
CLARK, CHARLES A.	1722 22ND. ST.	PORT HURON	MI		1/2	PORT HURON	25
CLYNE,ELIZABETH	2547 CAMPAU	PORT HURON	MI		1/2	PORT HURON	26
COMSTOCK, CAROL L.	2000 WATER ST.	PORT HURON	MI		1/4	PORT HURON	27
CRAWFORD,TRACI	1709 16TH ST.	PORT HURON	MI	48060	1/4	PORT HURON	28
CYR,JOHN	16902 SALEM	DETROIT,	MI	48219	X	PORT HURON	66
DEAN,BETTY JEAN	1722 1/2 22ND ST.	PORT HURON	MI	48060	1/2	PORT HURON	29
ELLISON,CHRISTOPHER					X	LANSING	68
ELLISON,CLINTON MAIN					X	LANSING	69
ELLISON,CATHLEEN VIV					X	LANSING	67
ELLISON,NICOLAS GLEN					X	LANSING	70
ELLISON,RAMIEL GLEN					X	LANSING	71
FOSTER,MICHEAL D. JR	1842 ALLEN RD.	PORT HURON,	MI	48060	1/16	PORT HURON	30
FOSTER,MICHELLE D.	1842 ALLEN RD.	PORT HURON,	MI	48060	1/16	PORT HURON	32
FOSTER,MICHEAL D. SR	1842 ALLEN RD.	PORT HURON,	MI	48060	1/8	PORT HURON	31
FOSTER,ROLAND J. JR	2441 RANGE ROAD	PORT HURON,	MI	48060	1/16	PORT HURON	33
FOSTER,ROLAND J. SR.	2441 RANGE ROAD	PORT HURON,	MI	48060	1/8	PORT HURON	34
FOSTER,TIMOTHY D.	2441 RANGE ROAD	PORT HURON,	MI	48060	1/16	PORT HURON	35
FOSTER,WILLIAM J.	1842 ALLEN RD.	PORT HURON,	MI	48060	1/16	PORT HURON	36
GEORGE,HILDA	RR #2	FORREST,	ON	NON-LJO	4/4	PORT HURON	4
GEORGE,MELVA	RR #2	FORREST,	ON	NON-LJO	4/4	PORT HURON	5
GEORGE,SYLVIA	RR #2	FORREST,	ON	NON-LJO	4/4	PORT HURON	6
GRAY, RICK W.	PO BOX 112	SARNIA	ON		4/4	PORT HURON	7
GRAY,GLEN LESTER	P.O. BOX 112	SARNIA,	ON		4/4	PORT HURON	8
GRAY,HARRIET	PO BOX 112	SARNIA	ON		4/4	PORT HURON	9
GRILLS,EVELYN	28112 W. 7. MILE	LIVONIA,	MI	48152	X	PORT HURON	72
HAAK, DONALD	3245 MOAK ST.	PORT HURON	MI		1/2	PORT HURON	37
HARPER,VERNA ADAMS	2501 WHITE ST.	PORT HURON,	MI	48060	4/4	PORT HURON	10
JACKSON,STANLEY	1302 CYPRESS	PORT HURON	MI	48060	4/4	PORT HURON	12
JACKSON,RONONA	1302 CYPRESS	PORT HURON	MI	48060	4/4	PORT HURON	11
JAMES TIMOTHY L.	808 RAWLINS	PORT HURON	MI		1/2	PORT HURON	38
JAMES, EDWARD A.	808 RAWLINS	PORT HURON	MI		1/2	PORT HURON	39
JAMES, ERNEST	407 TAYLOR	PORT HURON	MI	48060	4/4	PORT HURON	13
JAMES, JOSEPH H.	1126 CYPRESS ST.	PORT HURON	MI	48060	1/2	PORT HURON	40
JOHNSON,PAUL	1187 BUCKINGHAM RD	HASLETT,	MI	48840	4/4	SAGANING	83
JONES,DONNA ADAMS	2822 N. RANGE RD.	PORT HUR	MI	48060	4/4	PORT HURON	14

ATTACHMENT B

SAGINAW, SWAN CREEK, BLACK RIVER CHIPPEWA

DESCENDENCY COMMITTEE

PUBLIC HEARING

DISTRIBUTION PLAN FORMULATION

DOCKETS 59, 13E, 13F

DATE:_____

PLACE:_____

AGENDA

1. Introduction of Committee.
2. Current Up-date.
3. Question and Answers about up-date.
4. Blood Quantum for Distribution Plan participation.
5. Payment Plan Options:
   A. Per Capita - Everyone or a percentage of persons eligible receives payment.
   B. Investment - Interest could be used to fund Education foundation, Economic Development Corp., Health and/or Housing Programs.
6. Tribal Membership.

ATTACHMENT C

SAGINAW, SWAN CREEK, BLACK RIVER CHIPPEWA

DESCENDANTS COMMITTEE

PUBLIC HEARINGS

PLACE	DATE
1. Midland, Michigan	October 9, 1984
2. Saganing, Michigan	October 27, 1984
3. Bay City, Michigan	November 10, 1984
4. Lansing, Michigan	November 17, 1984
5. Oscoda, Michigan	November 17, 1984
6. Saginaw, Michigan	November 17, 1984
7. Flint, Michigan	November 29, 1984
8. Port Huron, Michigan	November 13, 1984
9. Shepherd, Michigan	March 19, 1985

ATTACHMENT D

The Saginaw Chippewa Indian Tribe

7070 EAST BROADWAY MT. PLEASANT, MICHIGAN 48858 (517) 772-5700

Resolution I&O-03-05

WHEREAS: The Saginaw Chippewa Indian Tribe of Michigan is a federally recognized Indian Tribe organized under a constitution and by-laws ratified by the Tribe on March 27, 1937, and approved by the Secretary of the Interior on May 6, 1937, pursuant to appropriate provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS: The Saginaw Chippewa Indian Tribe is a federal corporation chartered under the Act of June 18, 1934, (48 Stat. 984); and

WHEREAS: The Constitution and By-Laws of the Saginaw Chippewa Indian Tribe of Michigan having been adopted 48 years ago in 1937, requires update and revision; and

WHEREAS: The Tribal Council appointed a committee to review the Tribal Constitution; and

WHEREAS: The Tribal constitutional review committee after having drafted a number of revisions of the Constitution have recommended a draft to the Tribal Council; and

WHEREAS: The Tribal Council having reviewed the revisions and approved a final draft; and

WHEREAS: Article V of the Tribal Constitution requires that 30% of the eligible voters may petition for a referendum; and

WHEREAS: Article VII of the Tribal Constitution requires that any amendments or revisions in the constitution requires an election, in which a majority of the qualified voters approve of the proposed change(s); and

WHEREAS: Said election is to be conducted by the Bureau of Indian Affairs, and is designated as a Secretarial Election; and

WHEREAS: Petitions have been circulated among the eligible voters from the last Tribal Council election; and

WHEREAS: A total of 150 signatures was obtained excluding duplications;

RESOLUTION LAO-03-05
Page Two

AND, NOW THEREFORE, BE IT RESOLVED, That the Saginaw Chippewa Indian Tribe of Michigan hereby requests that the Bureau of Indian Affairs conduct an election within the prescribed time limits for such elections, for the purpose of revising the Tribal Constitution and By-Laws.

AND BE IT FURTHER RESOLVED, That a copy of the proposed revision and the original petitions for a election be enclosed as an attachment to this Resolution.

CERTIFICATION

The foregoing resolution was duly adopted by the Saginaw Chippewa Indian Tribe with a quorum being present during a (regular, special) meeting on the 13th day of April, 1995 by a vote of 5 for, 0 against, and 0 abstaining.

Arnold J. Sowmick, Tribal Chairman

Jeanette Johnson, Tribal Secretary

Mr. TAYLOR. Why don't we follow the same process that we did with the prior panel and go ahead and receive all the statements? Ms. Miller, you may proceed.

STATEMENT OF VICTORIA G. MILLER, COCHAIR, SAGINAW DESCENDANCY GROUP, SAGINAW, MI

Ms. MILLER. Thank you. To the Senate Select Committee on Indian Affairs—well, before I start I would like to introduce the people in the audience. They are members of the descendancy committee from all over the State of Michigan. We rode all night long in a bus to get here today, and so I would like to let you know that the people here are the descendants.

We, the descendants of the Saginaw, Swan Creek, Black River Bands of the Chippewa Indians in the State of Michigan, join our voices to speak to you today, with the hope that we will be heard and understood. For 200 years or more, Indian people have lived silently with the many policy changes and attitudes of the predominant society. Eventually, we had no voice, and it did not matter to this society that we could no longer be seen or heard.

We, the descendants, don't want this same thing to happen between the Chippewa Tribe and the Chippewa descendants. We, too, want to be heard and be heirs to our ancestors' awards, just like the tribal members. We come before you to voice our concern and opposition to S. 1106, that was introduced May 8, 1985, legislative date April 15, 1985.

Some of our concerns and findings are that section 3(b) of S. 1106 states the fund will be used exclusively for investments, including loans to enrolled members of the tribe.

Concern: The question was asked at the constitutional convention on Saturday, May 19, 1984, "What recourse does a descendant have if he or she meets all the requirements to become a member of the tribe and the tribal council votes to deny you adoption in the tribe?" The answer from the tribal attorney was "None;" no recourse. There are no provisions in the current nor the proposed constitution of the Saginaw Chippewa Indian Tribe of Michigan to file an appeal or grievance to become a member once adoption has been denied.

At the constitutional convention we were given a copy of the constitution of the Saginaw Chippewa Indian Tribe of Michigan with proposed changes. In the constitution it states, in article III, membership, section 2, in the original version, "The tribal council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering the adoption of this constitution, a revised roll of the members of this organization, to become official when approved by the tribal council and by the Secretary of the Interior." And the proposed revision reads, "The tribal council shall have the power to promulgate ordinances covering the adoption of new members; such ordinances shall be consistent with section 1 of this article."

Testimony was given at the public hearings that were held in Saginaw on April 19, 1984, and July 20, 1984, from individuals that are descendants who had applied for membership on three different occasions and were turned down each time by the tribal coun-

cil. They met all the membership requirements. They tell us to apply for membership and move back to the reservation; yet they deny you adoption to membership status. As for moving back to the reserve, this would be impossible for an additional 3,000 or more descendants, who never lived there in the first place.

Some of our ancestors were drawn to the urban areas in the early 1920's to seek employment, leaving approximately 414 on the reserve by 1938. Today, in 1984, the tribal membership numbers approximately 891, with 50—that should read 350—or so living on the Isabella Reservation, with a few more living within the six townships of Isabella County and certain townships in Arenac/Bay County known as Saganing.

Other sections of the proposed changes in the constitution are of great concern to the descendants, that is, article IV, governing body, section 2(c), one member to represent the off-reservation Indians, with only one vote, et cetera, as opposed to that particular part of the voting members from the membership.

Testimony was given by tribal members living in other areas of the State that they're not even contacted for input or vote on any of the decisions that concern them as tribal members. They are told that they are not eligible for services offered to other tribal members because they live off the reserve. Is it fair that off-reservation tribal members had 20 percent taken off the top of the last judgment awards in docket No. 57 distributed in 1983, to be kept on the reservation, and still they are ineligible for any services or benefits of the tribe? No, it isn't fair, not when they are being treated like they are descendants and the descendants receive 100 percent of their moneys.

In the research report on the judgment awards from the U.S. Department of the Interior, Deputy Assistant Secretary, Indian Affairs Operations, dated October 3, 1983, that is, on dockets Nos. 59 and 13E before the Indian Claims Commission and in docket No. 13F before the U.S. Court of Claims, also the funds were appropriated for the above dockets by March 2, 1979. The following has been determined:

> We have determined that the Saginaw Chippewa Indian Tribe of Michigan, as organized under the Indian Reorganization Act, is representative of a portion of the Chippewa Nation of the treaties of 1805, 1807 and 1817, and entitled to participate in the judgment funds as a tribal entity.
>
> We have also determined that there is a substantial number of descendants of the treaty group who do not qualify for membership in the IRA group, but who are equally entitled to participate in these judgment funds.
>
> We recommend that the funds be divided between the Saginaw Chippewa Tribe of Michigan and the Saginaw Chippewa Descendants on the basis of numbers in each group, as designated on the payment roll approved on January 28, 1983, prepared pursuant to the provisions of the plan approved by Congress on November 12, 1977, for the distribution of the Saginaw Chippewa Indian judgment funds in Indian Claims Docket 57.

We have submitted several hundred signatures on petitions in the past and we are resubmitting the same petitions, to include a few more that I received last night, because their positions are still the same and we continue to get letters.

We had a meeting in September, shortly after last year's public hearing here in Washington, in 1984, for these same dockets with aides for Senators Riegle, Levin, and Congressman Albosta. Others

present were officials from the Bureau of Indian Affairs, Saginaw-Sault Ste. Marie, six members of the Saginaw Chippewa Tribe, and three members of the descendant group. We discussed the above dockets to great length and, in the final analysis, it was my understanding that there would be no more action on these dockets until the descendant committee held public hearings throughout the State to seek input from those who couldn't afford to travel to the first hearings in Saginaw. When the hearings were complete, we would then meet with the tribe to work together on a compromise bill to be submitted jointly. We were surprised when the Senators introduced S. 1106.

We feel we have a right, as descendants of the Saginaw, Swan Creek, Black River Band of Chippewa Indians to an equal share of the above-named judgment awards.

Therefore, based on the preceding information, we pray that you recommend to the full body disapproval of S. 1106 and do whatever is necessary to refer the bill back to the Saginaw Chippewa Tribe of Michigan for input from the descendants.

Enclosed is a map of the Indians in the State of Michigan.

My grandfather was ceded land in the 1864 treaty and lived in Macosta County. I am one-half Indian, Chippewa.

Today we are here before you as two groups of Indian people—the tribal members, and the descendants—but let us remember that we are all Chippewa Indian people, American people, who share a common descendancy. For this reason, I feel bad that we are divided on this issue.

I feel that the real reason for this division is that we happen to live off the reservation. Also, as previously mentioned, there are serious questions concerning adoption to tribal membership and accessibility to program benefits. For these reasons, we may be denied our inheritance from our ancestors. It must be remembered that we are all—including those living on the reservation—descendants of the original bands. Therefore, all of us are entitled to share in the settlement of their estate, regardless of where we live.

This is not a personal issue that we bring before you; rather, it is a question of fairness based on the fact of birthright. Therefore, I ask at this time that the decision be based on consideration of this fact of birthright.

I thank you for allowing me to speak today.

[Ms. Miller's prepared statement follows:]

PREPARED STATEMENT OF VICTORIA G. MILLER

We, the descendants of the Saginaw, Swan Creek, Black River Bands of the Chippewa Indians in the State of Michigan, join our voices to speak to you today, with the hope that we will be heard and understood. For two hundred years or more, Indian people have lived silently with the many policy changes and attitudes of the predominant society. Eventually, we had no voice, and it did not matter to this society that we could no longer be seen or heard.

We, the descendants, don't want this same thing to happen between the Chippewa Tribe and the Chippewa descendants. We, too, want to be heard and be heirs to our ancestors awards, just like the Tribal members. We come before you to voice our concern and opposition to S 1106 that was introduced May 8, 1985.(legislative day, April 15, 1985)

Some of our concerns and findings:
Section 3 (b) of S 1106 states the fund will be used exclusively for investments (including loans to enrolled members of the tribe).

Concern: The question was asked at the Constitutional Convention on Saturday, May 19, 1984. What recourse does a descendant have if he/she meets all the requirements to become a member of the tribe and the Tribal Council votes to deny you adoption in the tribe. The answer from the Tribal Attorney wa none; no recourse. There are no provisions in the current nor the proposed constitution of the Saginaw Chippewa Indian Tribe of Michigan to file an appeal or grievance to become amember once adoption has been denied. At the Constitutional Convention we were given a copy of the Constitution of the Saginaw Chippewa Indian Tribe of Michigan with proposed changes. In the constitution it states in Article III Membership, Section 2.

SECTION 2. (Original): The Tribal Council shall have power to pramulgate ordinances, subject to review by the Secretary of the Interior, covering the adoption of this Constitution, a revised roll of the members of this organization, to became official when approved by the Tribal Council and by the Secretary of the Interior.

SECTION 2. (Proposed Revision): The Tribal Council shall have the power to pramulgate ordinances, covering the adoption of new members, such ordinances shall be consitent with Section 1 of this Article.

Testimonies were given at the public hearings that were held in Saginaw on April 19, 1984 and July 20, 1984, from individuals that are descendants who had applied for membership on three different occasions and were turned down each time by the Tribal Council. They met all the membership requirements. They tell us to apply for membership and move back to the reservation, yet they deny you adoption to membership status. As for moving back to the reserve, this would be impossible for an additional 3,000 or more descendants, who never

lived there in the first place. (Some of our ancestors were drawn to the urban areas in the early 1920's to seek employment), leaving approximately 414 on the reserve by 1938. Today, in 1984, the Tribal membership numbers approximately 891 with 50 or so living on the Isabella Reservation, with a few more living within the six townships in Isabella County and certain townships in Arenac/Bay County known as Saganing.

Other sections of the proposal changes in the constitution are of great concern to the descendants, ie; Article IV Governing Body Section 2. (C). One member to represent the off reservation Indians, with only one vote? etc., etc.

Testimony has been given by Tribal members living in other areas of the State, that they're not even contacted for their input or vote on any of the decisions that concern them as Tribal members. They are told they are not eligible for any of the services offered to other Tribal members because they live off the reserve. Is it fair that off-reservation Tribal members had 20% taken off the top of the last Judgement Awards in Docket 57 distributed in 1983 to be kept on the reservation, and still they are ineligible for any services or benefits of the Tribe? No, it isn't fair!! Not when they are being treated like they are descendants and the descendants received 100% of their monies. In the Research Report on the Judgement Awards from the U. S. Department of the Interior, Deputy Assistant Secretary - Indian Affairs Operations, dated October 3, 1983, ie: on Dockets 59 and 13E before the Indian Claims Commission and in Docket 13F before the United States Court of Claims, also the funds were appropriated for the abpve dockets by March 2, 1979, the following has been determined: I quote, "We have determined that the Saginaw Chippewa Indian Tribe of Michigan, as organized under the Indian Reprgamozatopm Act (IRA) is representative of a portion of the "Chippewa Nation" of the treaties of 1805, 1807 and 1817 and entitled to participate in the judgement funds as a tribal entity".

We have also determined that there is a substantial number of descendants of the treaty group who do not qualify for membership in the IRA group, who are equally entitled to participate in these judgement funds.

We recommend that the funds be divided between the Saginaw Chippewa Tribe of Michigan and the Saginaw Chippewa Descendants on the basis of numbers in each group, as designated on the payment roll, approved on January 28, 1983, prepared pursuant to the provisions of the plan approved by Congress on November 12, 1977 for the distribution of the Saginaw Chippewa Indians judgement funds in Indian Claims Commission Docket 57". End of quote.

We have submitted several hundred signatures on petitions in the past and we are re-submitting the same petitions, because their positions are the same.

We had a meeting in September 1984 after the last public hearing for these same dockets with aides for Senators Riegle, Levin and Congressman Albosta. Others present were Officials from the Bureau of Indian Affairs, 6 members of the Saginaw Chippewa Tribe and three members of the descendants. We discussed the above dockets to great length and in the final analysis it was my understanding that there would be no more action on these dockets until the descendant committee held public hearings around the state to seek input from those who couldn't afford to travel to the first hearings. When the hearings were completed we would then meet with the Tribe to work together on a compromise bill to be submitted jointly. We were surprised when the Senators introduced S Bill 1106.

We feel we have a right as descedants of the Saginaw, Swan Creek, Black River Bands of the Chippewa Indians to an <u>equal</u> share of the above named Judgement Awards.

Therefore, based on the preceding information we pray that you recommend to the full body disapproval of S 1106 and do whatever is necessary to refer the bill back to the Saginaw Chippewa Tribe of Michigan for input from the descendants. Enclosed is a map of the Indians in the State of Michigan.

On behalf of myself and the descendants of the Chippewa Bands

MICHIGAN INDIAN POPULATION
(as adopted by MICA, 1982)

Population
Total: 61,714

*The Indian population of Wayne County as designated on this map is the count taken by the federal census of 1980. There are some strong indications that the actual and stable Indian population in Wayne County is closer to 18,000. This figure is supported by the Detroit Indian Center and by a survey recently conducted by the University of Michigan.

Mr. TAYLOR. Thank you.
Leonard Isaac.

STATEMENT OF LEONARD ISAAC, SAGINAW DESCENDANCY GROUP, BAY CITY, MI

Mr. ISAAC. Thank you. I am Leonard Isaac, a full-blooded Chippewa Indian.

As a direct descendant of the Chippewa Tribe, born and raised off the reservation, I firmly believe that justice and fairness would be best served if the bill in question was to benefit all eligible descendants based on blood quantum, not on residency. We have the right to live on or off the reservation and should not be penalized for that choice.

I firmly believe that if the bill in question serves only the reservation, it would be an injustice to the nonreservation Indians. We are all rightful descendants and should all share in the bill in question.

The two reservations, the John Riley and the Tobico Reservation, that were ceded to the United States, were located in Bay County, State of Michigan. And when they stole that land, the Indians that lived on that reservation, of which my grandfather was the chief, had the right to go to Mount Pleasant and pick out land. And it states in the treaty, which I have here in my hand, that each head chief was allowed 80 acres, each chief was allowed—no, 160 acres. And as far as—I would like to make a comment—where they said that this committee—Mrs. Miller and Paul Johnson and I were on it—we met. And they said that when they met with the committee, we slurred them. The committee did not slur them. We met at a general public meeting in Saginaw; that's where the—but as far as the committee, the three of us, we did not make racial remarks.

Mr. TAYLOR. Mr. Isaac, where was that meeting held, and when?

Mr. ISAAC. It was held at Albosta's office in Midland.

Mr. TAYLOR. Here in the District of Columbia, or up in Michigan?

Mr. ISAAC. Up in Midland, MI. And I cannot recall Paul or Victoria or myself making comments about the reservation.

Mr. TAYLOR. Well, this must have been a pretty limited meeting if it was held in the Congressman's office.

Mr. ISAAC. We met with some of the tribal members from Mount Pleasant. They are the ones that called us, Albosta.

Mr. TAYLOR. OK.

Mr. ISAAC. And furthermore, I believe in unity amongst the Indian people, and not segregation. Thank you.

Mr. TAYLOR. Thank you, Mr. Isaac.

Ms. Pamp.

STATEMENT OF ELIZABETH FISHER PAMP, SAGINAW CHIPPEWA TRIBAL MEMBER AND SAGINAW DESCENDANCY GROUP MEMBER, LANSING, MI

Ms. PAMP. [Brief remarks in Chippewa language.]

I am Elizabeth Fisher Pamp. I am an enrolled member; I was born in Isabella County. I went away, was married, and I moved back to the reservation and lived on the reservation. My husband

died; I had three small children, 8, 10, and a little boy, 2. I couldn't make enough money on the reservation or nearby to make a decent living for my family, so I had to move to Lansing where I found better jobs with higher pay.

My father had taught me as a young girl to work, to work for my living, not to sit around and try to get welfare or help from other organizations, so we moved to Lansing. I went to work. I established residence there; my children went through high school, and two went on to college. And then I had an accident, where I could no longer work, and I couldn't get any help in Lansing so I went to my tribal home and I asked them if they could help me, at least with prescriptions. My medical bills were high. They said, "No, you live in Lansing. You are an urban Indian now. You can take care of yourself."

I have. When I could work, I took care of myself. So I quit asking them for help. I have to go to Kincheloe Indian Health Service in the Upper Peninsula. I have to drive 300 miles when I want to see a doctor or get any medical help. I have to pass right by my home reservation to get over there.

Mr. TAYLOR. The Indian Health Service is denying you services?

Ms. PAMP. No, these people who are supposed to be my tribal——

Mr. TAYLOR. You're talking about health services right now, though?

Ms. PAMP. Yes. I have to go clear to the Upper Peninsula——

Mr. TAYLOR. Where the Indian Health Service is located?

Ms. PAMP. Yes. They have the same services 70 miles away, but I can't get any help there.

Mr. TAYLOR. There is an Indian Health Service outlet at the tribal reservation?

Ms. PAMP. Yes.

Mr. TAYLOR. Your application, by the way, for services is filed with IHS; is that not correct?

Ms. PAMP. At Kincheloe, yes.

Mr. TAYLOR. All right.

Ms. PAMP. So when my money came, I was happy, too; I was going to finally have some money. They took 20 percent, and I said, "Why?" "For future benefits." I've never had any benefits from them for my 20 percent that they kept. They also took 20 percent from my son's estate. He's dead. What benefits could they do him? And I feel that we, as descendants, have a right to some of this money.

In my testimony you will see a few things where, you know, if you were me you wouldn't want to entrust your money for them to invest. They've already proven they can't handle the money.

Mr. TAYLOR. Well, what are you referring to there?

Ms. PAMP. Well, if you'll look at my testimony—I don't want to take up more time—they had a wood pallet operation that was losing at least 1 cent for each pallet according to a cost analysis report which was done after the pallet operation was closed. It is only good business to do a cost analysis before. That's why I question the ability of these people to manage the investment.

And then their education, you know. They don't have somebody, I think it was Booster that said he went to school on the reservation—there are no schools on the reservation. So that's not true.

And that bingo thing, that's a sore spot among young people because that bingo hall was built for a gymnasium so our young people would stay off the roads and would have a place to play and have games. But that's been closed because they use it as a bingo place now.

And I'm an enrolled member. I never get any notices for elections. I've never been asked to put an input on this investment fund, or whatever. But my name is there when they count heads, asking for money.

Mr. TAYLOR. I might just note that the 20-percent retention is something that was established in the Federal statute in 1973. It was not necessarily something that was left to the tribal option; and, in fact, for the 20 percent not to be withheld, the Department of the Interior has to file some finding with Congress justifying the nonwithholding of that 20 percent.

The other comment I would make is based on the testimony received earlier today. The tribe itself has not had access to that 20 percent, apparently because BIA has never approved it, their program.

Ms. PAMP. Well, I don't know the BIA, see; I know these people, so they're the only ones I can go to and ask when I want to know something. And you know, we as a people, the Chippewa people, are supposed to look out for one another as all Indian people are supposed to, not just a few. We're supposed to take care of each other because we are, supposedly, one people. Thank you.

[Ms. Pamp's prepared statement follows:]

STATEMENT OF ELIZABETH FISHER PAMP

Mr. Chairman, Senators, Ladies and Gentlemen:

My name is Elizabeth Fisher Pamp. I am an enrolled member of the Saginaw Chippewa Tribe at Mt. Pleasant, Michigan. I was born and raised there with all my relations, speaking our language and living a peaceful life. We didn't have much, but we were living on the land where the Creator had placed us.

I married, had three children and maintained our home on the Saginaw-Chippewa Reservation. After several years, my husband passed away and I was left with three children to raise without money from insurance, social security or anything. I tried to manage on the low wages of several jobs in the area, but we couldn't live decently on what I was earning. I was willing to work to provide for my children, so I went to Lansing, Michigan, 70 miles away to obtain a higher paying job.

After establishing my family in Lansing, my children all went on to graduate from high school and two of them went on through college. We are not wealthy people, but we have food and shelter.

A few years ago, I was seriously injured and I could no longer work. Because of an operation I had enormous medical bills and required more medical attention. The Lansing Indian Center would not help me, so I called my tribal center and they denied me health services.

They told me that I lived too far away, so now I have to ask people for rides to drive about 300 miles to the Kincheloe Indian Health Service clinic to get medical attention.

The tribe does not notify me of elections or when any major issue is to be discussed so I have had no input. I was not included in any survey regarding these judgement funds. I am sure, I am included on their tribal count when the tribal council seeks funding from the various agencies.

I know the concept of the "Investment Fund" sounds ideal. One questions the tribal council's ability to manage the funds for the benefit of the tribe. For example, they had a wood pallet operation that was losing at least one (1) cent for each pallet made according to a cost analysis report, which was done after the pallet operation was closed. It is only good business to do a cost analysis before, so I question the ability of the tribal council to manage this investment fund.

Education should be a priority for all people. The Saginaw-Chippewa Tribal Council does not consider education to be a priority. They want an Indian school on the reservation, what are the graduates to do if the tribe does not contribute to a student's wish for higher education? The tribal council does not contribute or participate in the Bureau of Indian Affairs education program. This means that students cannot get B.I.A. grants to go to college. I can only guess that the tribal council does not want the on-reservation members to become educated, and this will keep certain individuals in power. (And you want to entrust to these people money that is rightfully ours.)

The tribal council had a tribal center built. There is a gymnasium along with meeting rooms and office space. The gym should be for the benefit of the young, but it is now only used for bingo. The kids roam the streets, getting into trouble when they could be playing games in the gym learning to cooperate. The tribal council shows that they have a lack of caring for the young. Again, I question the sincerity of the tribal council's wish to use the money for "investment" purposes based on my past dealings and my observations of them.

I hope you will kill this bill in this committee. I want this bill (S.B. 1106) to die in this committee. I want the money distributed to all the rightful and legal heirs of the Saginaw River, Black River, Swan Creek Chippewa people. After all, it is the custom of the Chippewa to share, and it is the teaching of our people that it is the responsibility of the nation to care for <u>all</u> of our people.

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Mr. JOHNSON. Mr. Chairman, if I may?

Mr. TAYLOR. Sure.

Mr. JOHNSON. One other thing I forgot to note is if, with the one-quarter or more proposal that we're talking about, the money that is available as of August 31 under these three dockets and amounted to $8,490,358.94—if we were to follow the quarter-blood bloodline in terms of distribution, that would provide the tribe with $3,515,008.60; the descendants group, $4,975,350.33, less the 20 percent by law which means the tribe would receive $703,017.72, giving them, again, the opportunity to make a decision on how they would want to disburse their shares. They have the option, as I understand, to decide whether they want to provide that as an entire investment fund or to give per capita payments to their enrolled members. We think it would be fair that—they have that right to make a decision how they are going to spend that $3,515,000. Of course, our particular committee has said it would be per capita payments, and that would amount to $3,951.82 per descendant.

There wouldn't be the disparity that they were talking about that would have occurred under docket 57. There would be, at least, more equal distribution of the money under our plan.

Mr. TAYLOR. What has been the reaction of persons of less than one-quarter blood descent to your thoughts or considerations of cutting this off at one-quarter blood?

Mr. JOHNSON. Naturally, they are concerned about their particular birthright.

Certainly, they don't support our position, but I can give you a rundown on the positions that we had meetings; in Midland, MI, there was a predominant number of one-eighth or less, and of course, there they wanted the payment to be the same as docket No. 57, descendancy down to one-sixty-fourth. In Bay City, where there is a predominant number of full-bloods and one-quarter or more, their position was one-quarter or more; Saginaw, which has a number of mixed bloods, was the same as docket No. 57. Port Huron, MI, which has a significant number of full-bloods, and half-degree blood people, was one-quarter or more. Oscoda, MI, which is an Indian community north of Saganing Reservation, has a predominant number of full-bloods, their position was one-quarter or more. Flint, which has a predominant number of one-quarter or more or full-bloods, was also one-quarter or more. Lansing, which has a mixed population, was the same as docket No. 57. Sheperd, MI, which is just off the reservation, had a number of people that were mixed blood but decided that it was one-quarter or more.

I might also add that in the Sheperd area, our committee found that there was a predominant number of them that supported tribal membership as well.

Saganing, which is the satellite community of the Isabella Reservation, a predominant number of full-bloods, was also one-quarter or more.

An interesting question in terms of tribal membership, and I think if you were to poll the people that were at the Saganing meeting you will find that they are opposed to tribal membership with the Isabella Reservation. They want to pull away and be independent. They receive very little services, if any. They have one

tribal vote on a tribal council of 10 people. That, again, supports our questions about representation on the tribal council. Here is a group that is already enrolled. They have one vote on their tribal council. Certainly, they don't get any services because the reservation proper wants to keep services right within the reservation proper.

Of those nine meetings, we have come to the conclusion that six groups were saying one-quarter or more; three groups, same as docket No. 57. I don't know what to tell those that are less than one-quarter blood. I've been raised a little different. I've never had to try to establish my identity; I've always had it, so I feel sorry for them. I've also been raised to marry Indian, which I have done, so my children will be, and I cannot apologize for that.

Mr. TAYLOR. Max, do you have any questions?

Mr. MAHSETKY. If there were stronger commitments or guarantees made by the tribe that persons who met the enrollment criteria would not be denied membership in the tribe, and if there were stronger commitments or guarantees that the descendancy groups, particularly those of one-quarter blood or more, would be allowed to participate in the investment program and the planning of investments, would the descendancy group—again, those of one-quarter blood or more—continue to oppose this legislation?

Mr. JOHNSON. We'd have to continue to oppose the legislation as it is written. If you were to reintroduce it or amend it, we'd have to sit down with the tribe and figure out what the amendments would say. I couldn't tell you right now because I don't know what their positions are. I don't know what the amendments are. I don't know what the apportionment plan would be. There is a growing thing within the State of Michigan, for instance with the Sault Ste. Marie Band that takes in five counties, the Grand Traverse Band which is now petitioning and suing the Bureau of Indian Affairs because they want to take in six counties—I don't know what the tribes' service area would include. We would have to have at least equal representation or access to the tribal council. So I really don't know what to tell you until they sit down and talk to us and figure out what it is that they really want to do, because at this time we don't know. We're not privy to that type of information because Mr. Wilson will not let them talk to us.

Ms. MILLER. Not only that, we can't say we would be for this bill simply because we are here to bring forth information based on the public hearings we had and the input from the descendants that are one-quarter blood or more and one-eighth and less.

Mr. MAHSETKY. Thank you.

Mr. TAYLOR. I don't have any further questions, so thank you very much and we'll hear from our last two witnesses.

Gerald Gould and Anna Crampton? Mr. Gould, do you want to lead off, or Ms. Crampton?

Ms. CRAMPTON. We just discussed this, and I'll go first.

STATEMENT OF ANNA CRAMPTON, TRIBAL MEMBER

Ms. CRAMPTON. My testimony is going to be very brief. I am supporting the descendancy group. I am an enrolled tribal member living off the reservation, and I have never received any services.

I object to S. 1106 which, if passed, would give all remaining moneys from docket Nos. 59, 13E, and 13F to the Mount Pleasant Indian Tribal Reservation.

Like I said, I am an off-reservation tribal member living in the Greater Lansing area. I do not derive any benefits to date as a member who doesn't live on the reservation. As Mr. Sowmick said, in the survey, that tribal members received the survey, I never received that tribal survey. I've never been contacted to have input.

I am employed by the Department of Social Services of Ingham County, which includes Lansing, MI. My clients are low-income people of American-Indian descent. I only work with American Indians. I provide a variety of services, mostly through information referral—housing, health services, even transporting these clients. Many of these clients don't have telephones, so I do spend a lot of time with them. And a lot of these people are tribal members, and they don't derive services from the reservation.

Mr. TAYLOR. Have they ever requested services from the tribe?

Ms. CRAMPTON. Yes, they have.

Mr. TAYLOR. What sort of services have they requested?

Ms. CRAMPTON. Well, just the bare necessities, like food, rental payments, loans to repair housing.

Mr. TAYLOR. Does the tribe provide rental payments to their own members living on the reservation?

Ms. CRAMPTON. Well, they have housing on the reservation and they don't collect, from what I understand—I have relatives that live on the reservation, and there are times they overlook the payment for these rentals for a long length of time.

Mr. TAYLOR. Well, I'm thinking of some of the programs that you're naming, providing food—the Bureau of Indian Affairs provides general assistance in a number of States. I don't know about Michigan, but I'm wondering if these programs you're mentioning are provided by the tribes to their members that are residing on the reservation.

Ms. CRAMPTON. I don't know exactly that. The type of services I work with are provided through the Department of Social Services like general assistance, aid to dependent children, emergency needs—that would include housing, food, referrals to seek medical help and medical transportation—those types of things.

Of course, all these tribal members do come to me when they can't get these services, and I try to seek other agencies that will help them.

I am a little bit unprepared because I just came back from vacation. I learned yesterday morning of this hearing, so I get on the bus and I'm here.

Mr. TAYLOR. I understand you've had a hard night, coming down.

Ms. CRAMPTON. Yes, we drove all night.

Some of the tribal members that do live in the Greater Lansing area, some of the things they spent their treaty money on were payments on a used car, TV, and some of them even made a down payment on housing, so that was how the money was spent with the people that I work with.

I did chair a meeting, as Paul Johnson mentioned. There were several meetings, and I was assisted by Morgan Pope and Elizabeth Pamp; this meeting was held November 17, 1984, in Lansing, MI.

The topics we discussed were introduction of the committee, current update, questions and answers about the update, blood quantum for distribution plan participation, payment plan options—that included per capita payments, everyone on a percentage of persons eligible receives payment; investment—interest could be used to fund education foundation, economic development corporation, health, or housing programs—and least was tribal membership.

The descendants did not wish to go with the tribal membership. The payment plan option was for per capita payments. The blood quantum was for one-fourth or more in this particular meeting.

Mr. TAYLOR. This meeting you're referring to, was this with members of the Saginaw Tribal Council, or persons from the tribe?

Ms. CRAMPTON. Well, Arnold Sowmick was extended an invitation to attend. He never attended, so this was tribal members and descendancy group.

Mr. TAYLOR. Tribal members living off the reservation?

Ms. CRAMPTON. Yes.

Mr. TAYLOR. I see. OK.

Ms. CRAMPTON. Probably mostly in the Lansing area.

I think that's the conclusion of my testimony.

Mr. TAYLOR. Thank you, Ms. Crampton.

Mr. Gould.

STATEMENT OF GERALD GOULD, REPRESENTING THE SAGINAW VALLEY INDIAN ASSOCIATION, BAY CITY, MI, AND THE GENESEE VALLEY INDIAN ASSOCIATION, EAST LANSING, MI

Mr. GOULD. My name is Gerald Gould. I am representing the Saginaw Valley Indian Association, along with Leonard Isaac. Our association is made up of members of descendancy of tribal members living off the reservation, rural Indian people along with urban Indian people.

In the past, I worked with the Michigan Employment Security Commission in employment services where I worked, like Anna, just with American Indian people in referring them to employment programs and to jobs. After that I worked with the Department of Labor where I worked, again specifically with American Indian programs. I spent a great deal of my time working with American Indian programs, and it's important to me.

Although I'm a descendant, I'd like to think that I speak for all American Indians involved in this treaty, this settlement, including reservation, nonreservation, tribal member, and descendant, when I say that I would like to see a fair solution for everyone involved. In the previous treaty of Saginaw, 1819, which was known as docket No. 57, both the reservation and descendants shared in the settlement and I would like to see that happen again.

There are approximately 891 tribal members on the reservation, and almost 3,300 descendants. The descendants include more than 75 percent of the Indian people involved. To exclude these people from this land settlement would be a terrible injustice. Also, some tribal members may be adopted and have no bloodlines as the descendants must have. Some adopted members may be of other tribes, such as Ottawa or Pottawatomie.

In addition, off-reservation tribal members have seldom benefitted from their elite membership.

It has been stated that if the reservation receives the total payment—and that is what this is, not a grant, not an award, but a payment long overdue—that the reservation will expand its membership to include descendants of one quarter blood quantum. This increase would involve about 1,259 individuals. When combined with the tribal members, it would represent more than 55 percent of the total Indian population having one quarter blood quantum or more so that the 1,259 Indian people living off the reservation having one quarter blood quantum or more plus the 891 Indian people would be 2,150 people who would be tribal members, who could become tribal members. You would have more than half, more than 55 percent of the tribal membership living off the reservation.

These 1,259 tribal descendants will receive little, if any, benefit from the plan represented in S. 1106. Too many times in the past the off-reservation members have been forgotten. The logistics, the actual physical distance of these tribal descendants who are spread across Michigan and beyond will create a difficult, if not impossible, problem in trying to provide any kind of services for them. And in mentioning services, it was mentioned by the tribal council such as educational services, and currently there is a Michigan Indian grant in place for those Indian people who wish to go to college if they are one quarter blood quantum or more. And this is for Ottawa, Chippewa, and Pottawatomie.

Also, there is a Michigan Indian Legal Services in operation that can help Indian people in times of trouble.

It will be a crime, literally a crime, if this S. 1106 is passed because these Indian descendants will not be represented by this bill. I would like to request a modification or revision of this bill that will provide for the Indian people, both descendants and tribal members, to receive per capita payments; and, if the tribal council wishes, they can use theirs for an economic development program.

This alternative would allow for all treaty payments—and again, I emphasize payments—to be made to tribal members and tribal descendants. Let us not forget that they are tribal descendants; they are of the tribe.

At committee meetings held throughout the State, such as the November 17, 1984, meeting in Lansing, it was determined by the majority present to use the one quarter blood quantum as the minimum requirement. This meeting was a public hearing provided by the descendancy committee and, as you've heard from earlier testimony, there were both pros and cons about the cutoff.

I request that docket Nos. 59, 13E, and 13F be distributed in a per capita manner with a minimum of one quarter blood quantum requirement being established for all tribal members and tribal descendants.

In summary, what I question in this action, in this bill, is the disinheritance of the tribal descendants in lieu of some nondescendants who have been adopted into the tribe and live on the reservations. I ask, what of the descendants? Have they committed a crime? If not, then why are they being punished? Surely, to be dis-

53-758 0 - 85 - 5

inherited from one's birthright is a form of punishment. But again, what is the crime for this injustice of disinheritance?

Thank you.

[Material supplied by Mr. Gould follows:]

May 31, 1983
Saginaw Valley Indian Assoc.
P.O. Box 352
Bay City, Michigan 48707

United States Department of
the Interior
Bureau of Indian Affairs
Federal Square Office Plaza
P.O. Box 884
Sault Ste. Marie, MI 49783

RE: Distribution of all future sums under long-standing land claim judgments.

To Whom It May Concern:

Enclosed herein please find a Petition and Vote of Confidence signed by 52 people whose interests will be affected by the Bureau in the future. The said petition is self-explanatory.

Kindly acknowledge receipt of our petition and this letter. We are a coalition of non-reservation Indians who want to insure that non-reservation Indians are treated fairly in future settlements and distributions under long-term land claim judgments that pertain to Michigan Indians.

Thank-you for your attention to this matter. And please channel all future information to the Association as requested in our enclosed petition.

Very truly yours,

Gerald G. Gould

Gerald G. Gould,
Board Member
Phone: (517) 373-8700
between 8-5 weekdays

Enclosure

PETITION AND VOTE OF CONFIDENCE

We the 52 undersigned members and supporters of the Saginaw Valley Indian Association, a duly incorporated non-profit organization of American Indians, and direct non-reservation descendants and tribal members of the Ottawa-Chippewas Nations hereby affirm and vote our confidence in the Bureau of Indian Affairs to make a fair and equitable distribution of all future sums under long-standing land claim judgments, as said Bureau did in the distribution earlier this year on settlement of the "1819 Treaty".

We further make the following requests:

1. That all future information, deadlines, and forms affecting the rights of non-reservation Indians, including eligibility issues, on said distribution of future sums be sent to the Association at the following address:

   Saginaw Valley Indian Association
   P.O. Box 352
   Bay City, MI 48707

2. That said requested information include:

   a. Who is finally decided to be eligible to divide the judgments made by the now-defunct Indian Claims Commission and appropriated by Congress.

   b. What criteria was used in determining the people and/or agency of sub-paragraph 'a' above.

   c. A prompt acknowledgment that these requests will be met.

STATUS REPORT CHIPPEWA/OTTAWA DOCKETS 18E & 58

Some background information might be in order on the extended delay in processing the case. In 1972, the Commission entered a final award in favor of the Ottawa and Chippewa Indians. Funds to cover the award were appropriated by the Act of October 31, 1972. In 1973, Congress enacted the Indian Judgement Funds Act, 87 Stat. 466, which directed the Secretary of the Interior to submit proposed plans to the Congress covering the disposition of certain judgements awarded by the Indian Claims Commission and the U.S. Court of Claims.

In an earlier recommendation, the then Commission of Indian Affairs proposed that the beneficiaries of the award include the Indians of the Sault Ste. Marie Chippewa bands who are now affiliated with the Bay Mills Indian Community and the Sault Ste. Marie Chippewa Tribe of Indians, the two federally recognized tribal orgmizations, and a third group of non-affiliated individual Ottawa and other Chippewa descendants.

One issue on which there continues to be differing views among the three groups is the degree of Ottawa and/or Chippewa blood required for persons to be enrolled. In 1978, the Bureau reconsidered its earlier recommendation and proposed a ¼ degree Ottawa and/or Chippewa Indian blood requirement for persons to be enrolled for the purpose of dividing the judgement funds among the two tribal organizations and the descendant group. The revised recommendation further proposes that the actual uses of the funds which are to be apportioned to the two tribal organizations be planned in the future. The funds which are to be apportioned to the descendant group would be paid in per capita shares.

Until a plan becomes effective, which is after a proposed plan is before the Congress for a specified sixty-day period, no distribution of any funds is possible. The plan will name the beneficiaries of the award, the requirements for enrollment to share in the funds and how the funds are to be disbursed.

Aforecited Report From
Tribal Government Services
Washington, D.C.

FINANCIAL REPORT

The original award granted $10,109,003.00

As of 02/28/82 the total award $23,682,626.86
plus accrued interest.....$20,044,032.54

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
MICHIGAN AGENCY
FEDERAL SQUARE OFFICE PLAZA
P.O. BOX 884
SAULT STE. MARIE, MICHIGAN 49783

IN REPLY REFER TO:
Tribal Operations
006 Saginaw Valley Indian Assoc.

June 15, 1983

Mr. Gerald G. Gould
Saginaw Valley Indian Assoc.
P.O. Box 352
Bay City, MI 48707

Dear Mr. Gould:

This is to acknowledge that your letter, dated May 31, 1983, with the enclosed petition of 52 signatures was received by this Agency.

As I stated in our meeting in Mt. Pleasant last week, we remain committed to fair treatment for all people. You will be informed through the Center of current developement.

Thank you for your concern and your vote of confidence.

If you have further questions, please feel free to either write or call.

Sincerely,

Alvin G. Picotte
Superintendent

STATUS REPORT CHIPPEWA/OTTAWA DOCKETS 18E & 58

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Washington, D.C.

FINANCIAL REPORT

The original award granted $10,109,003.00

As of 02/28/83 the total award $23,582,626.86
plus accrued interest.....~~$20,044,032.54~~

Alvin G. Picotte is Superintendiant of Indian Affairs at Sault Ste. Marie.

Robert Van Alsteine is Chief Education Officer.

They may b e contacted by writing BI Box 884, Sault Sainte Marie.

(For College assistance a person must be 1/4 Indian or more)

It was suggested that a tribal board could be set up consisting of ten, or less, board members. The board would
---handle problems
---be a representative for the Indian people
---gather information from the BIA (at the Sault) to relay to the Indian people.

Persons interested in serving on this tribal board should contact the treasurer and let her know.

(PRESIDENT'S NOTE: THIS TRIBAL BOARD IS THE Special "Council" COMMITTEE Headed by Chief Isaac. ~~!!!~~ MEETS NOON YMCA BAY CITY JAN 14, '84)

SPECIAL MEETING _ MAY 28, 1983

Francis V. Fisher 3480 Mill Street, Akron, Mi 48701
Juanita A. Spencer 3265 E dayton Road, Caro, Mi 487323
Eugene J. Walraven, 211 Spengler Drive, Bay City, 48706
Annie M. Briggs, 622 Sheridan St., Caro, Mi 48723
Dorothy L. Slingland 683 Gibbs, Caro, Mi 48723
Christal B Addiss 3110 Broadway;,Cass City, Mi.
Ethel L. Cloutier, P.O. Box 185 Pinconning Mi.
Billie Cloutier 3393 North 7 Mile, Pinconning
Margie Dubay, 1780 North 11 mile Rd Linwood
Irene B. Davis, 3487 Columbia Avenue, Burton Mi 48529
Florence Graveratte, 2647 E. Pinconning Rd, Pinconning 48650
Gerald K Cloutier 3393 Seven Mile Road, Pinconning Mi 48650
Basil A Naganaske, 1506 North Franklin Street, Flint 48506
John Davis3487 Columbine, Burton
Margaret Smith, 1902 James Street, Essexville
Wanda Schmitter, 9200 Willett Rd. Fairgrove Mi
Vera Gould, 1112 Orth Drive, Saginaw 48601
Virginia Mae Hoon, 2305 E. Verne Rd, Burt 48417
Bernadette Rayes 2431 Leith, Flint 48506
Adelia Kahgeqab Reyes, 2431 Leith, Flint
Junior Isaac, 6061 Wendy Drive, Flint
Sharon Naganske, 1506 North Franklin, Flink
Abraham David, 2350 Whites Beach Road, Standish 48658
Robert Dean Spencer, 1614 Van Geisen Rd, Caro 6737045
Robin Lynn Spencer (wife of above)
L.L. Isaac, 3451 Hidden Rd.
Gerald Gould, 1326 Westview, 201-B, East Lansing_____end of page 1

~~Frances V. Fisher 3480 Mill St., Akron, 48701~~
~~Juanita A. Spencer 3265 E. Dayton Rd.,Caro 48723~~

LENA M. STEMPEK 1502 South 7 Mile Rd. Kawkawlin, Mi.
Lawrence Sowmick, 301 N. Water, Pinconning 48650
Claire Sowmick, 301 N. Water, Pinconning 48650
Phyllis Jo Sneddon 4120 N. Belsay St. Flint 48506
Donald James Jackson 133 Alcharder St. Caro 48723
David Sowmick, 301 N. Water, Pinconning, 48650
Ivah Wood, 2085 E. Verne Rd. Burt 48417
Donna J. Jackson, 3750 Cramer Rd., Akron 48701
Margaret Waynee, 2207 Broadway, Bay City 48706
Brian David,4120 Belsay, Flint
William Davis, Jr., 845 O'Brien Road ~~MMMMMMM~~ Mayville
Cherlyl Berlin 4145 Chambers Rd. Vassar
Lorali Berlin 2114 Evergreen Drive, ~~VMMMM~~ Caro
Connie Jo. Davis 2108 Fenton Rd. Apt # 1, Flint 48507
Jim Davis, 845 O'Brien Rd.,Mayville 48744
William Patrick Davis "
Sandra Kay Davis "
Karen Sue Davis ---------- "
Michael David 4120 N. Belsay Rd. Flint 48506
Robert David, 5047 White Fawn, Flint, 48506
Raymond Fisher, 3480 Mill Street, Akron, 48701
Helen Ramirez, 604 South Sherman, Bay City, 48706
Ned Isaac, 1902 James Street, Essexville, M
Keith Davis, 845 O"Brien, Mayville48744

Mr. TAYLOR. I don't have any particular questions; I would like to make a couple of observations, though. You are the last panel of witnesses.

In our hearings last year, this committee expressed concern about the interests and rights of people who are either already members of the tribe and not living on the reservation, or persons of quarter blood or more who might become eligible for membership in the tribe, and how that could affect their interests and their rights with respect to these judgment funds. The tribe has been aware of that interest, and I think that they have shared some of the concerns that this committee did. I think that has led to the proposed constitutional revision to expand the membership.

I think that this committee is also concerned that the benefits from any economic development fund would not stop at the reservation boundary, and I believe that the tribal council, the existing council out at Saginaw Chippewa, understands that and, again, shares that concern.

I think a problem that the Congress has had is that for many, many years we have watched the Indian judgment funds being distributed out per capita. Well over $800 million in judgment funds was awarded by the Indian Claims Commission, and by the time of distribution I'm sure the actual figure was at least double that.

What Congress has been evolving toward, I think over the past 15 years, certainly is manifested in the 1973 Judgment Fund Distribution Act. It is an attempt to preserve some of these funds for economic development and social progress of the tribes themselves and the members; I believe that's what this legislation is about. I agree with you when you say that you should not be harmed by the fact that you were living off the reservation. Certainly, the benefits that would flow from any program that is developed here must extend beyond those reservation boundaries to the members themselves. I think this is what this legislation is about; whether it adequately achieves that or not is something that I think we need to consider.

I noticed that Mr. Johnson, particularly, in his statement concluded by saying that he was interested in working with the tribe. It does seem like there's been difficulties in some of the consultation up there. I don't know whether the meetings were somewhat riotous, or filled with slurs, or whatever, as may have been indicated, or whether there is a problem here in just reaching out to each other; but certainly, as this development proposal is considered, I would certainly hope that there would be consultation and I would say, also, on this constitution.

So I would just conclude my remarks with that. Whether this legislation will move forward or not will be up to the committee members to consider.

I have no further questions and I think we've completed our witness list, so the hearing will stand adjourned. Thank you.

[Whereupon, at 12:20 p.m., the committee recessed, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL RECEIVED FOR INCLUSION IN THE RECORD

Statement of Rebecca Adamson, President, First Nations Fianacial Project, before the Senate Select Committee on Indian Affairs, on S.1106, a bill "to provide for the use and distribution of the funds appropriated in satisfaction of judgements awarded to the Saginaw Chippewa Indian Tribe in Dockets numbered 59 and 13E before the Indian Claims Commission and Docket numbered 13F before the United States Claims Court and for other purposes".

July 10, 1985

Mr. Chairman, and honorable members of the Committee, thank you for allowing me the opportunity to testify in support of S.1106, the "Saginaw Chippewa Indian Tribe of Michigan Distribution Funds Act."

First Nations Financial Project seeks to provide technical assistance in the areas of finance, business, marketing, and development strategies upon request from Indian Tribes.

It is our intention that the technical assistance which we provide will decrease a tribes economic dependency upon outside benefactors be they federal, industrial, or private, thereby moving a tribe toward economic self-sufficiency. In the case of the Saginaw Tribe, the establishment of the "Investment Fund", as called for in S.1106, coupled with the proper technical advisement, would allow this tribe such an opportunity.

When First Nations Financial Project, FNFP, began working with the Saginaw Tribe nearly a year ago, we set as our goal the development of an investment plan and program that met the social and economic needs of the Saginaw Tribe.

Toward reaching this goal, four main objectives were set:
1) to conduct a community workshop on the advantages of investing the Saginaw settlement award vs. distributing the amount on a per capita basis.
2) to conduct a survey to identify the community's social and economic needs and assess their priorities for program development.
3) To facilitate and provide expertise to those individuals (Tribal Council members and appropriate tribal program staff), who whould design the conceptual framework and the working policy between the tribe's investment plan and social economic program.

4) To facilitate and provide expertise that would structure the earnings of the investment fund in a manner that is most appropriate for the Tribal program categories so as to encourage matching funds and the realization of the most cost effective use of the Tribe's profits.

The community workshop, mentioned in objective #1 focused on the opportunity the Saginaw Tribe has for effective use of their collective wealth; how over a period of time the wise management of their settlement award will lead to a continuous tribal income and improved lifestyle for the tribal members. At this workshop, key individuals from Tribes that had received large settlement awards in the past shared their experiences with the Saginaws. They presented real life experience. For example, how border-town merchants hauled trailer loads of second hand furniture onto the reservations. How prices were increased for the short period of time immediately following per capita payouts. How welfare recipients were declared ineligible during the quarter a per capita was received. And paramountly, how no long range benefits were derived by either the Tribe or Tribal members.

Under Objective #2, the tribal planning department conducted and compiled the survey of key programs and services. These results provided the information on health, education, welfare, business and other needs necessary for the development of a framework within which to develop the Tribe's social and economic program.

The third objective, to design the conceptual framework and working policy between the Tribe's investment earnings and social economic program is currently being facilitated by FNFP and a cadre of financial, economic experts. During this process the Tribal Council will establish policy on the sound management of their investment. Policy regarding the effective use of the investment earnings and a formula for distribution among the social economic programs will be set. Toward this end, FNFP has conducted a series of meetings/workwhops over the past 6 months with the Saginaw Tribal Council and program staff. These workshops have provided technical assistance in the areas of finance, business, and development strategies.

For instance, in February of this year, FNFP consultant Carol Oman, of Oman Financial Services, and myself, conducted a workshop for the Tribal Council and Staff. This workshop included a detailed review of investment plan options and recommendations on how to choose an investment advisor. (See Attachment A) Also at that time, Chuck Jacobs, FNFP staff and Larry Swift, Community Reinvestment Advisor, along with representatives from the Saginaw Tribe, met with representatives from several local Michigan financial institutions that the Saginaw Tribe is considereing for business development and investment activities surrounding the "Investment Fund".

In May of this year Cindy Figge, of New Ventures Inc., was enlisted by FNFP to assist the tribe in examining the various membership health insurance options available. Membership health insurance is one of the priority areas identified in the community survey. In developing a membership health insurance program the tribe will need to consider who is eligible? Spouses? Dependents? Does it cover dental? Can off reservation services be used? What are the cost differentials to each variable, etc? Each of the community needs categories identified by the survey will be disigned into full Tribal programs and services. The management and implementation will have to be established to anticipate operating questions such as the above in the instance of a membership health insurance program. FNFP is assisting the tribe with this type of nuts and bolts planning.

In addition, in June of this year, Carol Oman once again held a workshop with the Tribal Council on the development of their investment plan. A draft letter was reviewed by the council which will be sent to potential investment advisors upon passage of the legislation establishing an "Investment Fund". As specified in the draft letter, the tribal council believes at this point in time that the Fund would be appropriatley managed by a firm of professional investment advisors experienced in managing tax-exempt accounts. The Fund generally will be invested conservatively to maximize income with a limited risk to the principle, although a modest amount might appropriately be invested to provide opportunities for significant capital appreciation. At some point in the future the Tribal Council may consider diversification into investments other than securities, such as real estate and joint ventures.

Currently, Jack McDermott, field specialist for FNFP, is working with the tribe throughout the months of July and August, assisting in the formulation of an investment plan. Mr. McDermott has had 18 years of professional experience in the field of planning and management. He has been a comprehensive planner for some 40 Indian tribes and has done extensive post graduate work in economic systems management.

Under the guidance of FNFP and the tribal council, the skills of the aforementioned professionals will be utilized by the Saginaw Tribe as it moves toward the development of an investment plan and comprehensive socio economic program which meets the needs of all its' members whether they be living on or off the reservation. From FNFP's perspective this entire development process will serve as an important national model for others to follow as more tribes seek to realize economic benefit from their settlement awards.

Attachment A page 1

INFORMATION REQUIRED FOR CHOOSING AN INVESTMENT ADVISOR

Investment Advisory Firm

1. How much money is managed?

2. How many clients does the firm have?

3. Break down the amount of money managed and the number of clients as follows for the three most recent years:
   - o Discretionary
   - o Advisory
   - o Tax Exempt
   - o Taxable
   - o Other

4. How many years has the firm been in operation managing funds?

5. What is the financial condition of the firm? Provide financial statements and/or the information submitted to the SEC for registration as Investment Advisors for each of the last 3 years.

6. Who is responsible for fund management at the firm? Who will manage this Fund? Provide resumes of key managers and the person who will be responsible for managing this Fund. Resumes should detail specific experience to qualify individuals to manage this fund.

7. How are managers compensated? Salary? Commission? Other?

Investment Decisions and Portfolio

1. What is the investment advisor's investment philosophy?

2. How are investment decisions made? Group? Individual? Approved List? Other?

3. What investment research is used?

4. What is current composition of the portfolio? Indicate percent of portfolio in cash, bonds, equities, real estate securities/mortgages, and other categories that may apply. What is the reasoning behind this portfolio composition?

5. What brokerage firms are used? If the investment advisor is also a broker/underwriter, how are investment decisions isolated from the broker/underwriter functions ("Chinese Wall")?

6. What has been the performance of the managed funds in the past year? Over the past three years? If possible provide performance for managed funds overall and for funds with investment objectives similar to this Fund. Compare results to major indices.

7. Who are the clients of the investment advisor? Provide several references who can be contacted including those with similar investment objectives.

The Fund

1. What would the investment advisor propose as an appropriate investment strategy to meet the investment objectives of the Fund? What proportion of funds in cash, bonds, equities, other? What type of investments in each category, e.g. in bonds, what term, quality (rating), type (governments, utilities, corporations)?

2. Estimate potential income from the fund for each of the next 3 years based on the proposed portfolio structure.

Recordkeeping and Reporting

1. What reports will be provided? how often?

2. How is the recordkeeping system operated?

3. What safekeeping arrangements will be provided?

Cost and Advisory Agreement

1. How much will the investment advisor charge to manage the Fund, including recordkeeping and safekeeping? How is the fee to be paid?

2. Provide a sample Advisory Agreement.

STATEMENT OF KAREN (MASHUE) SHERWOOD

I am Karen (Mashue) Sherwood, a descendent of the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians of Michigan.

Senators, there are persons of Indian descent in Michigan who would take the inheritance of their brothers. They want those few Indians who have remained in the tribe and have depended upon the reservation for their existence to take all the monies awarded in Dockets 59, 13E, and 13F. You as lawmakers have been set up to make this happen.

Putting persons on reservations was a shame. Encouraging them to believe this is the best their native land offers them is an outright crime! Civilizations on this planet have always been in a state of constant change. You will do a great disservice to Tribal Chairman Sowmick if you encourage his belief that his main objective should be, "to preserve the tribe." His never-ending task must be to concentrate on and encourage individual strengths and abilities of Indian persons in order for his people to recoup their greatness.

My ancestors were not limited to a few acres of this mighty Land called reservations. They were intense, active participants in the rewards of this Land's natural resources. Opportunities for Indians to benefit from this Land, which has been their home for many centuries, lie in learning, venturing out, using the tribe as a dependable base for their strength and courage, as well as a vehicle for preserving their customs, beliefs, and traditions.

The people to whom the money from Dockets 59, 13E, and 13F is owed are all gone. It's too late to pay them what they were owed. However, in their place are their descendents. Some of those descendents live on the reservation; some don't. Some are tribal members; other are not. Because of the time that has lapsed since the original injustice, the blood quantum of descendents varies. Nevertheless, when the money is disbursed, it is to these descendents that it should be paid; all of them are heirs.

A compilation of the names of these heirs has already been gathered and a procedure for disbursement was successfully employed for Docket 57 monies. I strongly urge that you again follow that procedure. This is also the original recommendation of the Bureau of Indian Affairs.

If tribal members wish to place their shares in an "investment fund" over which tribal leaders have complete control, they should be free to do so. If those of 1/4 blood can talk those of 1/8 blood out of their inheritance, let them do it. If the tribe can develop a workable plan for their 20% share, see that the plan is financed.

Your responsibility is to see that the descendents are paid. There is no need for you to become entangled in this quarrel among heirs. More than that, no leader in the twentieth century should be encouraged to believe the greatness of his people or their continued existence must be tied to less than a fourth of those people living on a few acres of land set aside to keep them "in their place" within this great Land of Opportunity.

July 11, 1985

United States Committee
Senate Committee on
Indian Affairs

Honorable Donald attn: Mark Andrews
W. Riegle, Jr.

I very strongly object to Senate Bill 1106, which, if passed would distribute remaining monies from Dockets 59 13 E and 13 F to the Mt. Pleasant Reservation.

Non-reservation Indians did not benefit from the 20 ½ or $800.00 from Docket 57, the Reservation received. We have never benefited from the Reservation, no one I know has received help from them. We are members in name only. We don't have voting privileges, receive absolutely any information from the Reservation

We wonder what happened to
their pallet bussiness, Dow Chemical
in Midland was one of their
customers. Was this bussiness
possibly operated? I certainly object
to my position of the money being
sent to the Reservation.
None of this money is really
going to make them that
inlependent of the government.
In these economic times I'm
sure non Reservation members
could really use the money more
than the Mt. Pleasant Reservation.
I only wish more of us could
talk to your committee personally
so you would really understand
how we feel about this money
situation. We would benefit more
by handling our own money.
We, descendants surely deserve

our fair share and I wish you to reconsider and think carefully before you vote.

Thank you.

Respectfully,
Clara Jackson
220 N Van Buren
Bay City, Mich. 48708
(517) 894-5617

Saginaw, Mich.
July 1-1985

1.

Dear Senate Committee on
Indians Affairs —

I am a tribal member but never lived on the reservation. I have worked all my adult life paying federal and state taxes. I have never received one thing from the reservation.

A few years back my mother past on & give the reservation most of her furniture and dishes plus other things, never got one note of thanks.

I feel all tribal members deserve their share of the docket money, not just the reservation.

I am a rightful heir to these monies. Also the reservation received a part of my first check

2.

which I do not feel was right, because I can't get any services because of my residency.

If you take this money and give it to just the reservation, you are taking my rights away from me as a urban Chippewa to share in awards that I was suppose to have.

Yours Truly
Mrs June B. Rusch
1815 Vermont Street
Saginaw Mich.
48602

Pinconning Mi.
July 1 - 85

to United States
Senate committee on Indian Affairs
Washington D.C.

To whom it may concern

I am a member of the Mt Pleasant Chippewa Tribe but do not live on the reservation but live in Bay Co. just 6 miles from the Saganing reserv. I have not received any benefits from the tribal council even though 20% of my share of the grant (No 57 docket) was held back.

I did receive a letter saying that I could get medication (diabetic) but I would have to pay for it. I also asked about eyeglasses but they couldn't help me because I do not live in Arenac county.

My husband (full Chippewa) & I are both Sr. citizens.

Florence Graveratte

Bay City Michigan
June, 28, 1980

Senate Committee on Indian Affairs
Honorable Senator
Donald W. Riegle Jr.

I would like to file a protest as to the way the payment on Docket 59, 13E and 13F is being handled by the Mt Pleasant Indian Reservation and the Senate at Large. Why should the Mt Pleasant Chippewa Indian Reservation be allowed control of these funds. My Complaint is the Mt Pleasant Reservation was never started until 1930 and the claim that they want belongs to the Saginaw Swan Creek and Black River band of Chippewas not the Mt Pleasant Indian Reservation Indians, they are Docket 59, 13E and 13F, Please note that the Reservation has a $1,000.00 Dollars of my money as it is now they want all the money in Docket 59, 13E and 13F., As I said before in this letter that these Dockets do not mention the the Saginaw Indian Tribe of Mt Pleasant so why did the Govt. approve this claim ?

Yours Truly
Edmund P Fisher Sr.
220 N Van Buren
Bay City Mich 48708

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To the Honorable Jon Reigle Jr
U.S. Senate Committee on Indian Affairs
Washington, DC

July 2. 1985

In reference to Docket 69
Sepate 13-E & 13-F
Senate Bill 1106.

I am in total disagreement that the Saginaw Chippewa reservation should receive total settlement on the above mentioned bill.

Not only are there non-Chippewas on the reservation, but many are white, half Indian and less, so why should they reap and not myself and my family.

The reservation has never done anything to benefit me, and these legal Procedures were started by George Cook a full blood Indian not residing with the Tribe.

All Tribal members give up 30% to the Tribe and it is my understanding that they have yet to find a good place for use of the monies. A pallet plant was built and that also failed, so why should they waste more money due to me.

Revenue is rec'd from Fleet Bingo and I don't see great progress with the profits.

The decision to remain on the reservation was theirs and should not affect the non-reservation Indians. I feel a reservation is unconstitutional in this day and age. The reservation has never done anything to benefit me.

Sincerely,

Barbara Meier
[illegible] N DeWITT ST.
BAY CITY MI 48706

Subject: Bill 1106; Judgment Awarded Black River Swan Creek Chippewa Tribes Docket: 59-13-E-131
Concerned People off Reservation Legal Voting American Indian (Majority Inclusive)
Title: "The Indian Always Waits"

To:
My People were straight forward speaking & to th Point, you would have admired & liked my late Uncle Pete (Full Blood Chippewa) I hope to speak through my Pen. Here it is! The Money Grant (of Subject Above) is awarded BY:
"The United States of American Federal Government"
To: "all Legal Descendents under above said money Grant"
The above statement is a Declaration! As Stated it means EVERY INDIVIDUAL INDIAN legally Within this action. Not in any form to be Violated by Division of Said Monies to one Isolated Group of People, which if so done would ignore th guaranteed Right of a Monumental Voting Majority of deserving legal off Reservation Indians.
We are talking Heritage and Birth Right here! The injustices of th Past are about to be set right by our Country, provided the proceedings being submitted Thy one Isolated Group (The Mt. Pleasant Indian Reservation, Mt. Pleasant Michigan, which by the way only came into existence in 1930, and to Let it Main Contribution to their Own People is "The Bingo Big Bucks" attraction, housed in an abandoned Youth Center, & County not when their Youth gather), & totally disregarded & Buried.
Hereby
My hand shakes as I hastily write, (we were not informed until th 11th th Vast importance of your Decision literally ~~protection~~ Predetermin my Very existence — I was Survival! That I have to write it, Bothers me more. My steadfast Love of Country Will Not dim, should such a miscarriage of Justice occur, however th Blind Faith once held in th working of our Heart, will have forever been crushed. Said Dream which Honored the Great, "Abraham of needs" memorable in Laines, "Bobby Kennedy" and his Colored Brother, "John Fitzgerald Kennedy". They Know; It is Written! It is core! It is The Law! But they were silenced. Is this my Fate also?! and my Brothers Thank you for listening to this plea; your Shoulders are Heavy With the Burden of our Sins. May God Lighten it for you.
Sincerely: Virginia "Singer" Hoon. Dated: Aug 4th 1984.
Chippewa Name! "Small Voice In th Wind" Phone
Address: 2505 East Verne Rd. Bay, Michigan, 48417 (517-772-4801)

TO: Senate Committee on Indian Affairs
FROM: Vivian J. Meredith
DATE: 2 July 1985
SUBJECT: Senate Bill 1106

I understand that a hearing on Senate Bill 1106 which was introduced by Senator Carl Levin and Senator Donald Reigle will be held on 10 July 1985.

I also understand that the monies from 57, 59, 13E and 13F Dockets will be used in a profit sharing program specifically for tribal members - enrolled members of the Saginaw Chippewa Tribe, according to Senate Bill 1106.

Enrolled tribal members don't necessarily have to be Chippewa Indians entitled to these monies. I am sure that the vast majority of Chippewa Indians who can trace their ancestry back to specified treaties are probably Chippewa Indians who are paid per capita.

I favor ancestry rather than enrollment in the Saginaw Chippewa Tribe as entitlement to the 57, 59, 13E, and 13F Docket monies.

Thank you.

Vivian J. Meredith

809 South Grant Street
Bay City, Michigan 48708
(517) 893-2698

Saginaw Mic.
July 5, 1985

US Senate Committee on Indian Affairs
Washington D.C.

To Whom it may Concern

In reference to Docket 59, 13-5, 13F, Senate Bill 1106. The treaties signed in 1805, 1807, 1817.

I am a member of Saginaw Chippewa Black River, Swan Creek Chippewa Tribes.

The Judgement Funds Awarded to Saginaw Chippewa tribe of Mic, now Isabella Reservation in Mount Pleasant are trying to eliminate all descendants of the Original band included, when the Treaties was signed. Is this right?

The Isabella Reservation was not started until 1930's How Can they determine Whom shall receive the Awards?

We the descendants of Saginaw Chippewa Black River Swan Creek Tribes. As well as the Reservation we need our Awards. Thank You.

Respectfully

Vera Mitchell
1122 Odell Dr.
Saginaw, Mic 48601

July 3-1980

US Senate Committee of Indian affairs
Washington D C 20510 - attention Mark Andrews
Dear Sir in meeting in regards to the Chippewa /
Ottawa Treaty of 1836 Locke 59 / 13 E + 13 F
There is a question of how to divide the Money to be
received. They are talking of putting it in a
Trust fund. I feel that we have waited long enough
The ones that should have received it, Have
long gone. It is our Money and we should
receive it now. The times are not good now.
Dear sirs we could all use it, our Children
need Money for college. We need it to live
It is to be shared with Not Pleasant reservation and
Non reservation Indians, We are of the reservation
and need our share, too. Can you help to see that
we all share at least 1/4 Indian blood, and 7/8
reservation Indians. We all would like it soon
Sincerely

Sarah Wood 2085 E. Verne Rd
Bad Michigan 48417

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